Annual Report
of the
Ministry of Labour
Ontario

Fiscal year ending
March 31, 1986

ISSN 0318-4641

Ontario

Office of the Minister

Ministry of Labour

400 University Avenue
Toronto Ontario
M7A 1T7

September, 1986

His Honour
The Lieutenant-Governor in Council

May it please Your Honour:

I have the privilege of presenting the 67th Annual Report of the Ministry of Labour for the fiscal year ending March 31, 1986.

Much has been accomplished. In connection with the Ministry's mandate for helping to ensure stable, effective relationships between labour and management in Ontario, Bill 65 providing for the arbitration of first collective agreements was developed and introduced to the Legislative Assembly.

In the field of occupational health and safety, Bill 101 requiring employers to inform workers and the general public about potential hazards in the workplace was developed and introduced. The Occupational Health and Safety Division instituted new, clearer policy on the issuance of orders under the Act and regulations and on procedures concerning prosecutions under the Act.

In workers' compensation, significant progress was made in implementing the recent major reforms to the Workers' Compensation Act through the establishment of the Offices of the Worker Adviser and Employer Adviser; the Workers' Compensation Appeals Tribunal; and the Industrial Disease Standards Panel. In addition, pension increases were related, for the first time, to rises in the cost of living.

In the field of fair treatment for workers, legislation prescribing pay equity for Ontario Government employees was developed and introduced. In addition, task force studies of hours of work and overtime and of mandatory retirement were begun.

I respectfully submit the report as attached.

The Honourable William Wrye
Minister

Ontario

Office of the
Deputy Minister

Ministry
of
Labour

400 University Avenue
Toronto, Ontario
M7A 1T7
416/965-4115

September, 1986

The Honourable William Wrye
Minister of Labour

Dear Mr. Wrye:

I am pleased to submit the annual report for the Ontario Ministry of Labour for the 1985-86 fiscal year for your consideration.

The period for which the report accounts is marked by significant accomplishment that is, in large measure, a consequence of the dedicated, highly professional work of the staff of the ministry and of the exceptional contribution of the previous Deputy Minister, T.E. Armstrong.

Respectfully submitted,

Glenn R. Thompson
Deputy Minister

Acknowledgements

The essential mission of the Ontario Ministry of Labour is to help ensure equity and social justice for working men and women. The people and programs that emerge from the pages of this annual report are dedicated to that mission. This report is the product of many talents and much commitment. The Ontario Ministry of Labour wishes to acknowledge, with thanks, the contributions of ministry staff and Galer and MacMillan Communications Inc. in the development and preparation of this report. The ministry further wishes to acknowledge, with thanks, the following people and organizations which generously provided photographs that illustrate so vividly the people of Ontario at work:

Dionne – Sudbury

INCO. Limited

Ministry of Health, Government of Ontario

Ministry of Industry, Trade and Technology, Government of Ontario

Ministry of Northern Development and Mines, Government of Ontario

Ontario Hydro

Toronto General Hospital

Toronto Transit Commission

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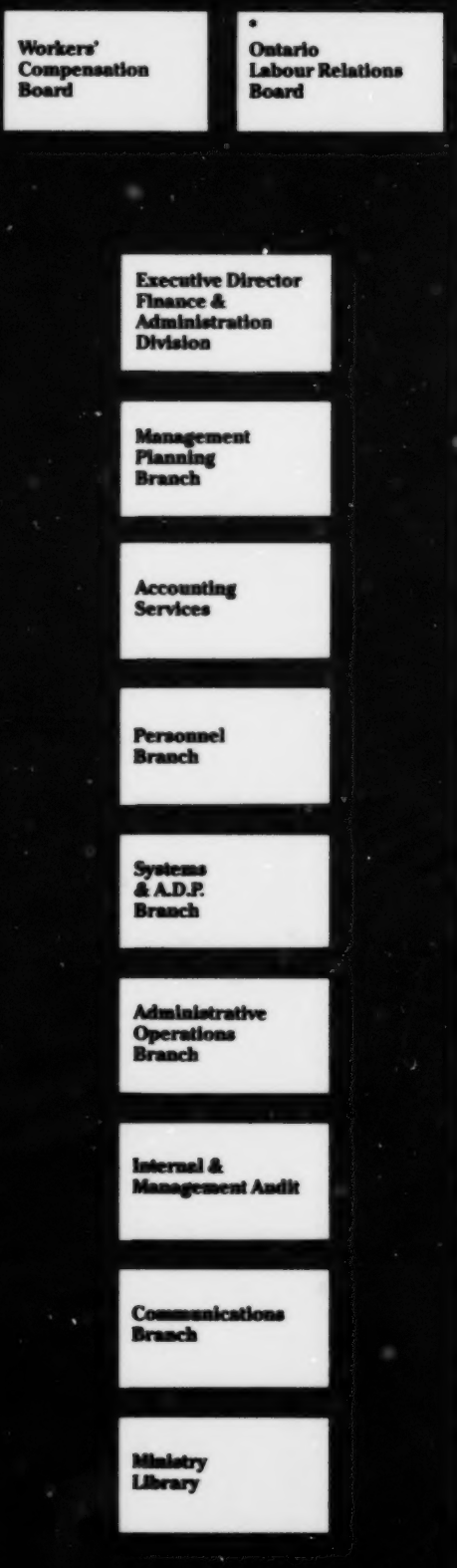
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Ontario Labour Relations Board
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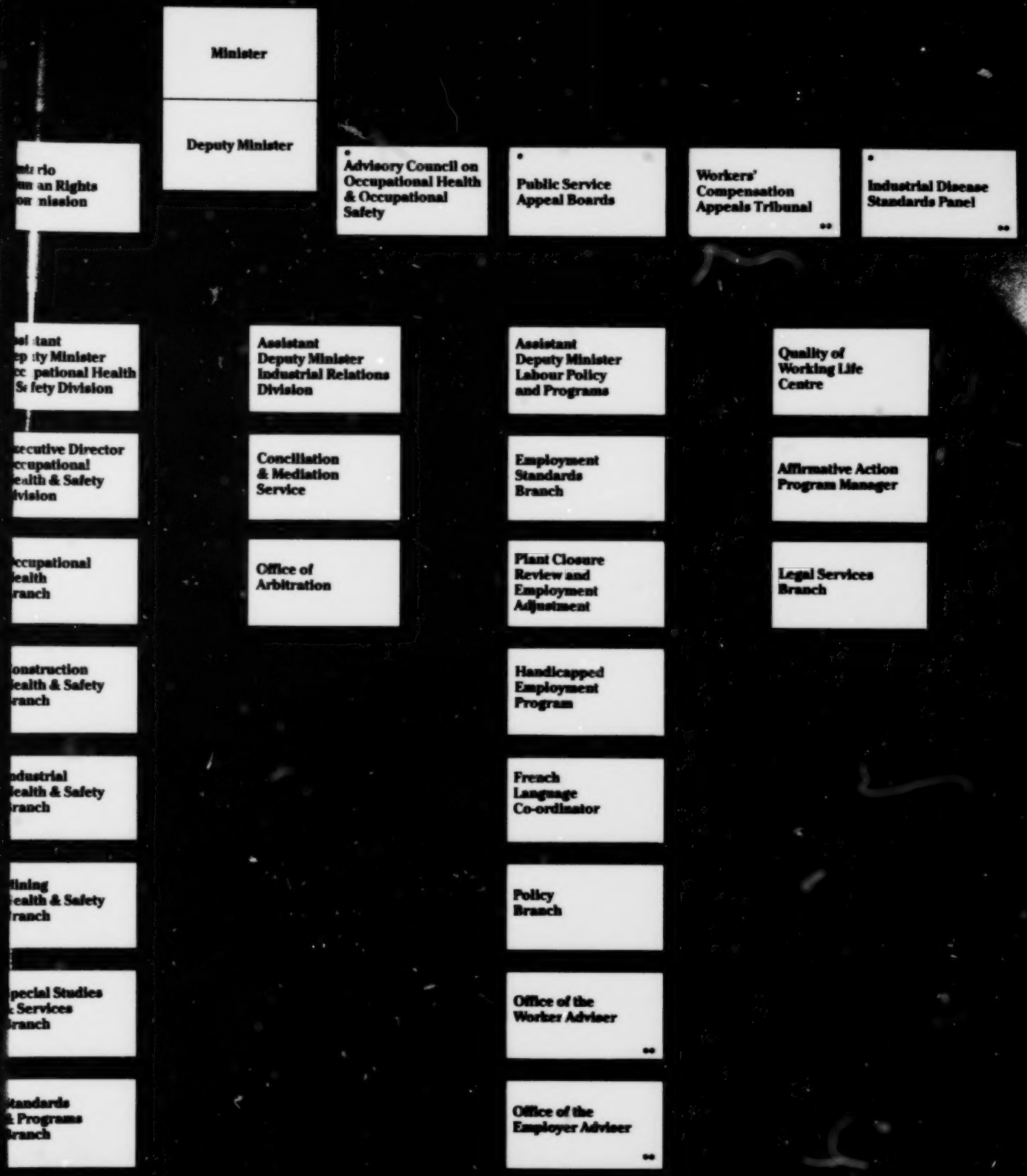
Management Planning Branch
Accounting Services
Personnel Branch
Systems & A.D.P. Branch
Administrative Operations Branch
Internal & Management Audit
Communications Branch
Ministry Library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Industrial Relations

L.V. Pathe
Assistant Deputy Minister

The role of the Industrial Relations Division is to promote harmonious relations between employers and employees in order to help ensure a stable labour relations climate in the province.

This objective is pursued through three activities: Program Administration, the Ontario Conciliation and Mediation Service and the Office of Arbitration.

The objectives of the Industrial Relations Division in pursuit of sound labour-management relations are to:

- encourage effective bargaining as contemplated by the Labour Relations Act;
- promote peaceful settlements through conciliation and mediation service;
- provide, where necessary, preventive mediation assistance to labour and management during the term of the collective agreement;
- facilitate the processes of grievance and interest arbitration in accordance with the intention of the Labour Relations Act and the Hospital Labour Disputes Arbitration Act;
- collect and analyse collective bargaining information for the use of the ministry and the industrial relations community.

The assistant deputy minister is responsible for directing and co-ordinating the activities of the Industrial Relations Division.

During 1985/86, the office had a complement of three – an assistant deputy minister, an executive assistant and a secretary.

Construction Industry Advisory Board

An advisory body, the board has been established to advise the minister on issues of common concern to labour and management in the construction industry.

Ontario Conciliation and Mediation Service

Ray Illing
Director

Harry J. Sparling
Associate Director, Technical Services

The goals of the Ontario Conciliation and Mediation Service are to foster harmonious labour-management relations and to minimize disruption in the economy arising from strikes and lock-outs.

To achieve these goals, the service, operating under the authority of the Labour Relations Act, carries out major programs in two areas – collective agreement dispute resolution through conciliation/mediation, and preventive mediation.

The service performs conciliation and mediation functions, assisting employers and unions to achieve settlement of their contractual differences. In addition, OCMS has firmly established a program of preventive mediation, which involves anticipating and providing for the needs of management and labour in the development of their relationship to minimize disruptions and to facilitate peaceful negotiations of collective agreements.

A specialist unit, the Occupational Health and Safety Advisory Service, also advises employers and trade unions in addressing health and safety concerns in the workplace.

Dispute Resolution Process

The process has two steps. First, parties unable to achieve an agreement in direct negotiations must meet with a conciliation officer before they resort to the economic sanction of a strike or lock-out. During this stage, an officer enters the negotiations and employs mediation techniques in an effort to bring parties to settlement. Should the parties fail to come to total agreement, a report is made to the minister recommending whether or not a board of conciliation be appointed.

Although the use of boards of conciliation after the conciliation officer stage is an alternative under the Act to the establishment of a strike/lock-out deadline, few have been appointed in recent years. Subject to ministerial policy, they remain as important tools with disputes involving public service, and pattern-setting industries. If it is recommended that a board not be appointed, a 'no board' report is issued establishing a legal strike or lock-out deadline, which occurs 14 days following receipt of the notification to the parties.

During this period, the mediation service maintains contact with both parties keeping them aware of the availability of further mediation assistance.

The second step – mediation – is an informal one in which the services of a mediator are made available to the parties at any point in negotiations following the conciliation officer's report. While the techniques of mediation are similiar to those of conciliation, the intensive nature of this assistance, the pressure of a strike/lock-out deadline or ongoing work stoppage and the personal persuasive abilities of a senior mediator are additional factors.

Preventive Process

The main preventive mediation areas are the Relationship Improvement Program, the joint training of supervisors and union stewards, and assistance in establishing joint action committees.

The Relationship Improvement Program is designed to do exactly that – improve union-management relations. It is a two- or three-day seminar, Relationship by Objectives (RBO), which has been used extensively since 1975 and has proved effective in the promotion,

Industrial Relations

development and maintenance of sound relationships between employers and unions.

The focal point of the training program is joint problem solving. Working in close consultation with both parties, OCMS mediators determine their needs and design a training program to include the study of attitudes, communications, leadership, grievance administration, and roles and responsibilities.

The establishment of a joint action labour-management committee is recommended in situations where the relationship would be assisted by a vehicle for regular formal communication. This may be applicable in a particular area or industry or in an idividual plant. Resources are made available to assist the parties to establish and structure such a committee.

The complement of the Conciliation and Mediation Service at March 31, 1986 consisted of the director, associate director, Technical Services; acting manager, Occupational Health and Safety Advisory Service; 11 mediators, 18 conciliation officers, two advisers, one research economist, three research supervisors, 17 research and collective bargaining agreement library clerks and 12 clerical and support staff.

1985/86 Activities/Caseload

During 1985/86, 2,726 collective agreement disputes were referred to conciliation officers. These assignments represented a decrease of 811, or 23 per cent, over the total for 1984/85 (Table 1). The officers disposed of 2,730 cases during the year, a 17 per cent decrease over the previous year's dispositions. At year end, 745 cases were still being dealt with by the officers, compared to 749 in 1984/85.

Table 1

Conciliation Applications Dealt with Under the Ontario Relations Act, Fiscal Year 1985/86

	1985/86		1984/85	
	Disputes	Employees	Disputes	Employees
Assignments received by officers	**3,475**	**394,691**	4,038	569,785
Carried from previous year	**749**	**85,651**	501	71,716
Assigned to officer during year	**2,726**	**309,040**	3,537	498,069
Assignments disposed of by officers	**2,730**	**329,751**	3,289	484,134
Settled by officer				
Construction	**31**	**216**	64	9,562
Non-construction	**834**	**63,238**	944	66,084
No Board				
Construction	**339**	**6,897**	497	39,842
Non-construction	**1,329**	**246,479**	1,444	334,744
Referred to conciliation board				
Construction	**0**	**0**	0	0
Non-construction	**0**	**0**	0	0
Lapsed or withdrawn				
Construction	**17**	**515**	95	8,366
Non-construction	**180**	**12,406**	245	25,536
Assignments pending at March 31	**745**	**64,940**	749	85,651

Table 2

Remedial Mediation Activity, Fiscal Year 1985/86

	1985/86						1984/85					
	Total		No Work Stoppage Involved		Work Stoppage Involved		Total		No Work Stoppage Involved		Work Stoppage Involved	
	Disputes	Empls.	Disputes	Empls.	Disputes	Empls.	Disputes	Empls.	Disputes	Empls.	Disputes	Empls.
Assignments received by officers	1,180	186,221	885	130,428	295	55,793	1,066	233,183	797	178,707	269	54,476
Carried over from previous years	200	32,968	125	24,232	75	8,736	159	18,961	116	15,203	43	3,758
Assigned to officers during year	980	153,253	760	106,196	220	47,057	907	214,222	681	163,504	226	50,718
Assignments disposed of by officers	1,059	175,686	794	121,547	265	54,139	866	200,215	672	154,475	194	45,740*
Settled during mediation	716	105,949	546	82,337	170	23,612	678	140,945	546	117,180	132	23,765*
Settled following mediation assistance	307	36,628	229	21,811	78	14,817	154	49,717	107	28,602	47	21,115
Arbitration	6	31,900	5	16,900	1	15,000	6	8,272	6	8,272	–	–
Lapsed	19	820	10	358	9	462	16	870	9	289	7	581
Closed by mediator, no further action by parties	11	389	4	141	7	248	12	411	4	132	8	279
Assignments pending at March 31	121	10,535	91	8,881	30	1,654	200	32,968	125	24,232	75	8,736

*includes 3 cases involving 310 employees which were settled by a Disputes Advisory Committee.

Post-conciliation or mediation assistance was provided in 980 new cases in 1985/86, compared to 907 cases in 1984/85 (Table 2). The parties reached agreement in 1,023 of the cases that were disposed of, although 248 of them involved a work stoppage.

Mediators played a preventive role in 142 new cases in 1985/86, compared to 71 in 1984/85 (Table 3).

Table 3

Preventive Mediation Activity, Fiscal Year 1985/86

	1985/86		1984/85	
	Situations	Empls.	Situations	Empls.
Assignments received by officers	211	45,649	124	32,342
Carried over from previous year	69	13,411	53	18,295
Assigned to officers during year	142	32,238	71	14,047
Assignments disposed of by officers	102	20,893	55	18,931
Assignments pending at March 31	109	24,756	69	13,411

Research and Analysis Unit

L. Haywood
Chief Economist

The unit is responsible for research and information activities in the area of labour relations and collective bargaining, including operation of the Collection Agreements Library.

During the year the unit continued to supply the Ontario Labour Relations Board and the Ontario

Industrial Relations

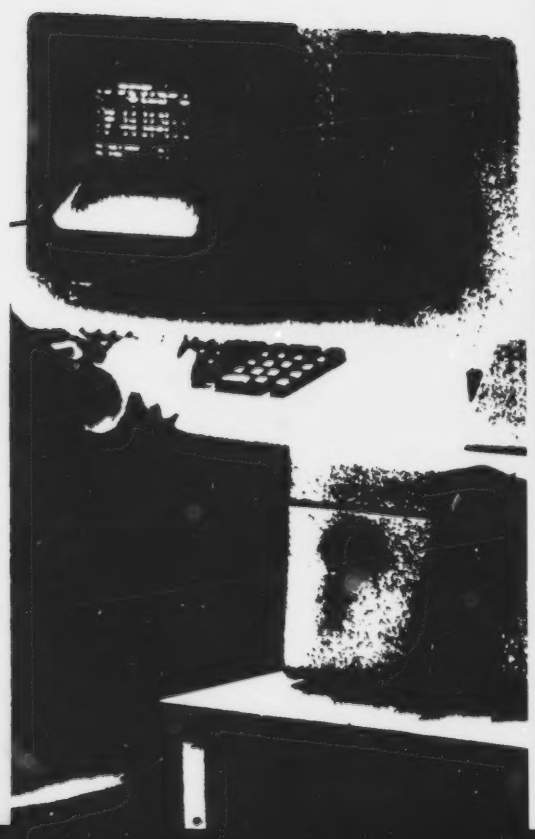
Conciliation and Mediation Services with information on their case activities and with the statistical analyses necessary for them to evaluate their operations. The data are compiled monthly, quarterly and annually, and provide information on the volume of cases being received, processed and disposed of, backlogs and the time taken to process from filing to disposition.

An average of 350 board cases and 400 Conciliation and Mediation Services cases per month are monitored in order to collect and process information on a wide range of aspects.

Approximately 300 work stoppages are monitored by the unit annually.

The unit prepares a monthly report on collective bargaining settlements that provides summaries of the changes in wages and benefit provisions negotiated in the province in collective agreements concerning 200 or more workers. From the monthly summaries, a quarterly report is prepared that shows the negotiated changes in base wages in both cents-per-hour and percentage terms on an average annual and contact-year basis. These reports are for the use of management and union negotiators and the ministry's conciliation and mediation officers.

The unit carried out analysis and coding of information on the most commonly negotiated provisions in agreements covering 200 or more employees, with the exception of construction industry agreements, and also in all agreements in the public sector, regardless of the number of employees covered, except teachers' agreements. These data are used in many areas of the branch's research activities by the ministry's conciliation and mediation officers and by management and union negotiators involved in the collective bargaining process.



Collective Agreements Library

The Collective Agreements Library maintains an up-to-date file of collective bargaining agreements and arbitration awards covering Ontario employees. The primary purpose of the library is to bring together, in a central location, all collective agreements and related documents covering Ontario employees, regardless of legislative jurisdiction, and to make the file available to those involved in collective bargaining and research. At the end of the fiscal year, the library contained about 9,000 collective agreements covering more than 1,374,000 Ontario employees in industries under federal or provincial jurisdiction.

During the fiscal year the library staff helped over 5,000 visitors representing management, labour unions, industrial relations consultants, law firms, government agencies and the general public to obtain information from the documents on file. In addition, the staff answered more than 4,600 telephone requests for information, which involved searches of agreements for data on wage rates, fringe benefits and working conditions.

Regular publications of the Research and Analysis Unit include:

Collective Bargaining Settlements and Negotiations in Ontario (monthly);

Wage Developments in Collective Bargaining Settlements in Ontario (quarterly);

Collective Agreements Expirations (annually).

Office of Arbitration

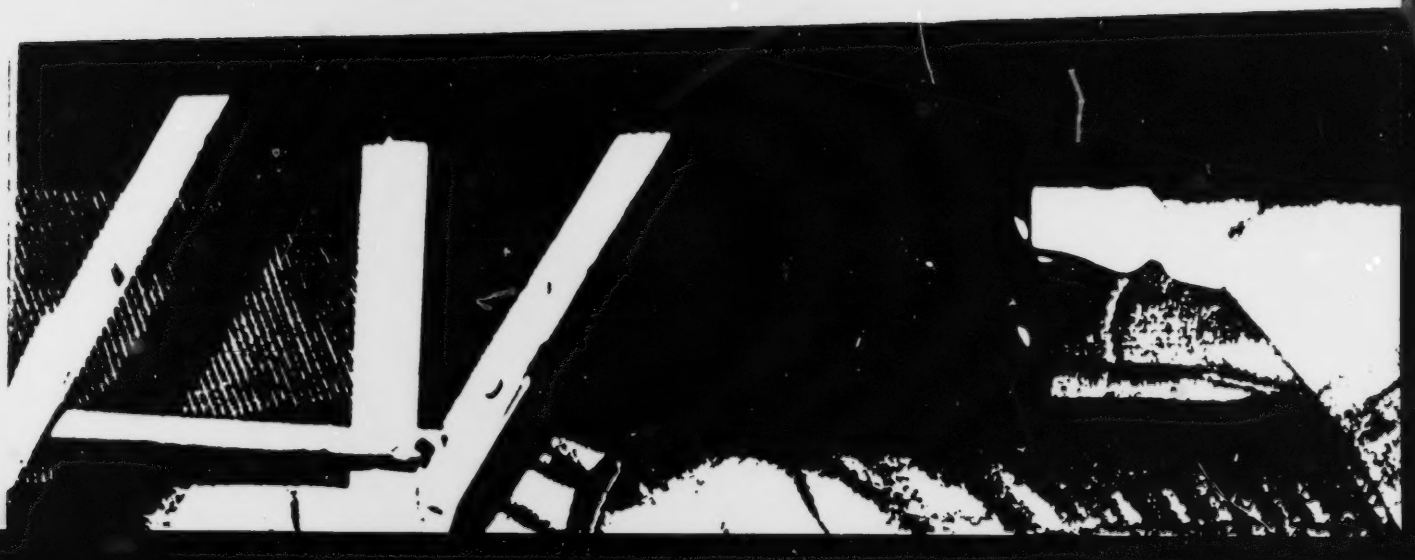
Jean M. Read
Director

The Office of Arbitration assists the minister in carrying out his statutory responsibilities for constituting boards of arbitration and appointing single arbitrators under the Labour Relations Act and the Hospital Labour Disputes Arbitration Act. The office is also responsible for the receipt and processing of requests from employers and trade unions for the appointment of arbitrators and nominees to boards of arbitration. This function involves identifying individuals qualified to act under ministerial appointment, providing administrative services to arbitrators, monitoring the progress of arbitration proceedings and cataloguing arbitration awards for public availability. In association with the Minister of Labour's Labour-Management Advisory Committee, which advises the minister on matters pertaining to arbitration, the office maintains a roster of arbitrators and is actively involved in the training of prospective arbitrators. Through its staff of grievance settlement officers, the Office of Arbitration also provides labour and management with grievance mediation services.

The Office of Arbitration also has responsibility for co-ordinating appeals under the Employment Standards Act and boards of inquiry pursuant to the Human Rights Code. The office publishes, and distributes to members of the industrial relations community, a monthly bulletin that summarizes current arbitration awards. Present circulation is approximately 5,000.

Labour Relations Act

A primary responsibility of the Office of Arbitration is to administer the expedited grievance arbitration procedure under section 45 of the Act. This statutory procedure may be invoked by either party to a collective agreement as an alternative to the arbitration procedure set out in the agreement. Upon receipt of a request under section 45, the minister is required to appoint a single arbitrator, who must commence to hear the dispute within 21 days of the request. The minister may appoint a grievance settlement office to confer with the parties and attempt to effect a settlement prior to the hearing. Should the dispute proceed to a hearing, the Office of Arbitration



endeavours to encourage a timely release of the award.

An advisory committee has been established under section 45 to advise the minister on matters relating to arbitration, particularly with respect to persons qualified to act as arbitrators. The chairman of the committee is the Assistant Deputy Minister, Industrial Relations Division, and its membership comprises three senior management and three senior labour representatives. A major achievement of the advisory committee has been the development of an arbitrator training program, which is administered by the Office of Arbitration and conducted under the guidance of accomplished arbitrators. Under section 44 of the Act, parties who have elected to follow the arbitration procedure in the collective agreement may request the minister to assist them in constituting a board of arbitration. For example, in the event of one party failing to appoint its nominee to the board or the parties' nominees failing to agree on a chairman, the minister, upon request, may make the necessary appointment. Alternatively, at the request of the parties, the Office of Arbitration will supply them with a list of arbitrators to facilitate their selection of a chairman. On a consensual basis, the services of a grievance settlement officer may also be made available to parties proceeding to arbitration under their collective agreement.

Hospital Labour Disputes Arbitration Act

The Hospital Labour Disputes Arbitration Act provides for compulsory arbitration of unresolved collective bargaining disputes between employers and trade unions representing employees in the health care field. Strikes and lock-outs are prohibited. The Office of Arbitration assists in facilitating the system of arbitration under the Act. It recommends to the minister the names of individuals for appointment as nominees or chairmen of boards of arbitration where parties have failed to constitute a board in accordance with the Act. The Office of Arbitration may also arrange the arbitration hearing, notify the parties and their nominees of the date and place of the hearing and monitor the proceedings to ensure that the award is released within a reasonable time after the hearing.

Employment Standards Appeals

The Office of Arbitration has assumed responsibility for co-ordinating appeal procedures under the Employment Standards Act. This includes employer appeals against orders to pay issued by employment standards officers. Referees are appointed on behalf of the director of the Employment Standards Branch, and the Office of Arbitration handles all administrative procedures with regard to time and venue and ensures that all interested parties have been given due notice of the hearing. Referees appointed to hear these appeals are expected to issue their decisions within three weeks from the date of the final hearing.

Industrial Relations

Human Rights Inquiries

The Office of Arbitration has also been assigned responsibility for assisting the minister to constitute boards of inquiry under the Human Rights Code and co-ordinating hearing arrangements in accordance with the time limits set out in the Code.

The complement of the Office of Arbitration for 1985/86 was 20, consisting of a director, six grievance settlement officers and 13 clerical and administrative staff.

1985/86 Activities

Under section 45 of the Labour Relations Act, 1,709 single arbitrators were appointed. As a result of the involvement of settlement officers, in 1,728 disputes, 1,242 were resolved prior to hearing, for a settlement rate of 71 per cent.

Aside from section 45, the minister was involved in the appointment of 237 arbitrators for parties experiencing difficulty establishing a board of arbitration. On 308 occasions, lists of arbitrators were supplied at the request of parties.

Services of grievance settlement officers were provided to parties proceeding to arbitration under their collective agreement in 888 cases. Of this number, 667 were resolved, with 157 cases awaiting mediation. The settlement rate in this area was 77 per cent.

Under the Hospital Labour Disputes Arbitration Act, 79 arbitrators were appointed. Lists of arbitrators were provided upon request in 92 cases.

Under the Employment Standards Act, 213 referees were appointed through the Office of Arbitration, while 29 boards of inquiry were set up under the Human Rights Code.

The caseload of the Office of Arbitration is more particularly described in Tables 1 and 2.

The Office of Arbitration received and catalogued 1,958 awards during fiscal year 1985/86. Awards in the amount of 29,035 pages were purchased by the public.

The fifth Arbitrator Development Program commenced in August 1985. Ten people participated in the two workshops and an eight-month internship period, which comprise this program.

Table 1

Mediation Activities During 1984/85 & 1985/86

	1985/86			1984/85		
	Labour Relations Act (rights disputes)			Labour Relations Act (rights disputes)		
	s.44	s.45*	Total	s.44	s.45*	Total
Mediation assignments:						
• carried over from previous year	**136**	**79**	**215**	4	6	10
• made during current year	**888**	**1,728**	**2,616**	661	1,392	2,053
• outstanding at year end	**157**	**49**	**206**	136	79	215
Mediation settlements	**667**	**1,242**	**1,909**	424	969	1,393

*Expedited grievance arbitration

Table 2

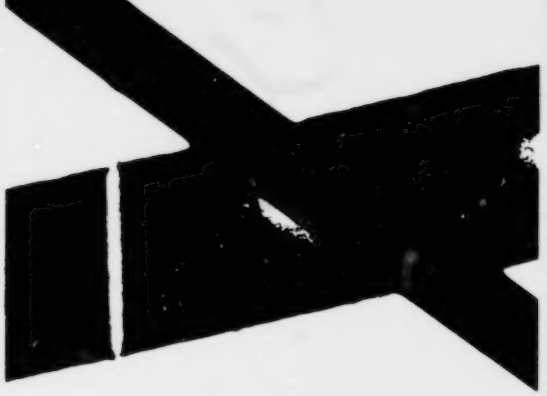
Arbitration Activities During 1984/85 & 1985/86

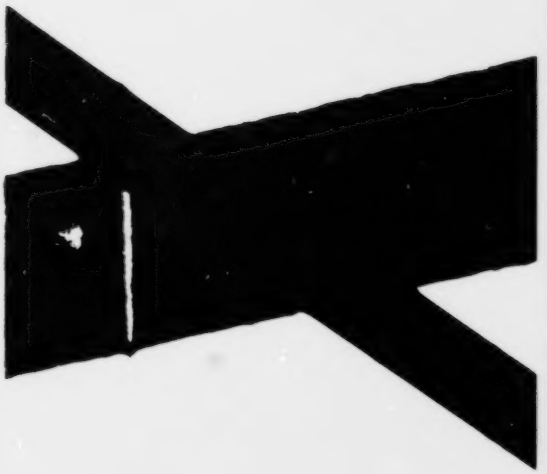
	1985/86						1984/85					
	Employ. Stds. Appeals	Human Rights Bds. of Inquiry	H.L.D.A. (Interest Disputes)	Labour Relations Act (Rights Disputes) s.44	s.45*	TOTAL	Employ. Stds. Appeals	Human Rights Bds. of Inquiry	H.L.D.A. (Interest Disputes)	Labour Relations Act (Rights Disputes) s.44	s.45*	TOTAL
Applications/ Requests carried over from previous year	**151**	**57**	**269**	**317**	**498**	**1,292**	78	6	49	206	105	444
Applications/ Requests rec'd. during current year	**245**	**38**	**247**	**515**	**2,905**	**3,950**	306	65	281	490	2,374	3,516
• Arbitrators/ Referees appointed/ arranged	**213**	**29**	**79**	**237**	**1,709**	**2,267**	245	26	108	293	1,302	1,974
• Panels provided	**X**	**X**	**92**	**308**	**X**	**400**	X	X	98	351	X	449
• Nominees appointed	**X**	**X**	**O**	**O**	**X**	**O**	X	X	3	O	X	3
Applications/ Requests out-standing at year end	**116**	**62**	**225**	**427**	**661**	**1,491**	151	57	269	317	498	1,292
Awards filed	**89**	**1**	**125**	**1,222**	**621**	**1,958**	212	7	55	997	517	1,788
Total Awards purchased (# of pages)	**X**	**X**	**X**	**X**	**X**	**29,035**	X	X	X	X	X	40,080

Legend: O = no activity
X = not applicable

*Expedited grievance arbitration

Industrial Relations





Health and Safety

Ann E. Robinson, Ph.D., C.Chem, F.C.I.C.
Assistant Deputy Minister
Brian Goodman, B.A., LL.B, LL.M.
Executive Director

The Occupational Health and Safety Division seeks to improve worker health and safety in Ontario workplaces by:

- administering the Occupational Health and Safety Act and regulations;
- reviewing existing programs;
- developing new strategies, regulations, guidelines, codes and hazard alerts to prevent occupation-related injuries and illnesses;
- advising, educating or training (as appropriate) all parties with respect to rights, duties and responsibilities under the legislation.

The assistant deputy minister is responsible for the Strategic Policy Unit, strategic planning with respect to broad policy issues, legislative initiatives and for external relations relating to the field of occupational health and safety.

The Strategic Policy Unit participated in initiatives relating to worker right-to-know by representing the ministry on the inter-agency committee responsible for the implementation of the Workplace Hazardous Information System (WHMIS) and by developing background information leading to the introduction, in January 1986, of Bill 101, which is intended to provide for worker and community right-to-know.

The executive director is responsible for the delivery of services by the six branches of the division, operations policy, the Program Development Unit, which includes the Designated Substances Enforcement Unit, and related administrative program delivery and policy issues.

The complement of the division for 1985/86 was 727.

1985/86 Activities

The division administers the Occupational Health and Safety Act and regulations made under the Act for: construction projects, mines and mining plants, industrial establishments, teachers and university academics. X-ray safety, firefighters' protective equipment, the inventory of agents for the purpose of section 21 of the Act, a regulation defining critical injury and 11 designated substance regulations for the control of exposure to toxic substances that have been designated under section 41 of the Act.

Designated substance regulations for arsenic and for asbestos on construction projects and in buildings and repair operations became law during 1985/86.

A task force co-sponsored by the Ministries of Agriculture and Food, and Labour published a report in October 1985 dealing with the health and safety hazards faced by those engaged in farming operations.

A labour management committee established by the minister continued the development of a regulation for the health and safety of workers in health care facilities.

The division has continued to consult with representatives of the diving community to develop a regulation to help ensure the health and safety of the commercial diving community.

The Mining Legislative Review Committee, under the chairmanship of Mr. Paul Hess, continued to review the mining regulations and to propose amendments that are currently under consideration.

During 1985/86 the division's regulatory initiatives also included the development of draft regulations for X-ray equipment, roll-over protection, window washers, electrical hazards and protective clothing and self-contained breathing apparatus for firefighters, a core regulation for extended coverage workplaces and amendments to the regulations for construction projects.

A major thrust of the division over the fiscal year was the development and implementation of division-wide policies and procedures on the issuance and follow-up of orders, prosecutions and notification prior to inspections. Draft policies and procedures were also developed for complaints, conference attendance, coroner's jury recommendations, hazardous work, records management, refusals to work and release of inspection/investigation reports. Committees that include field staff provided practical input into the development of these policies and procedures.

The division continued to administer the Lottery Awards Program. Funding was approved for many significant programs and projects in the areas of manpower training and applied research. The minister made awards totalling $1.5 million.

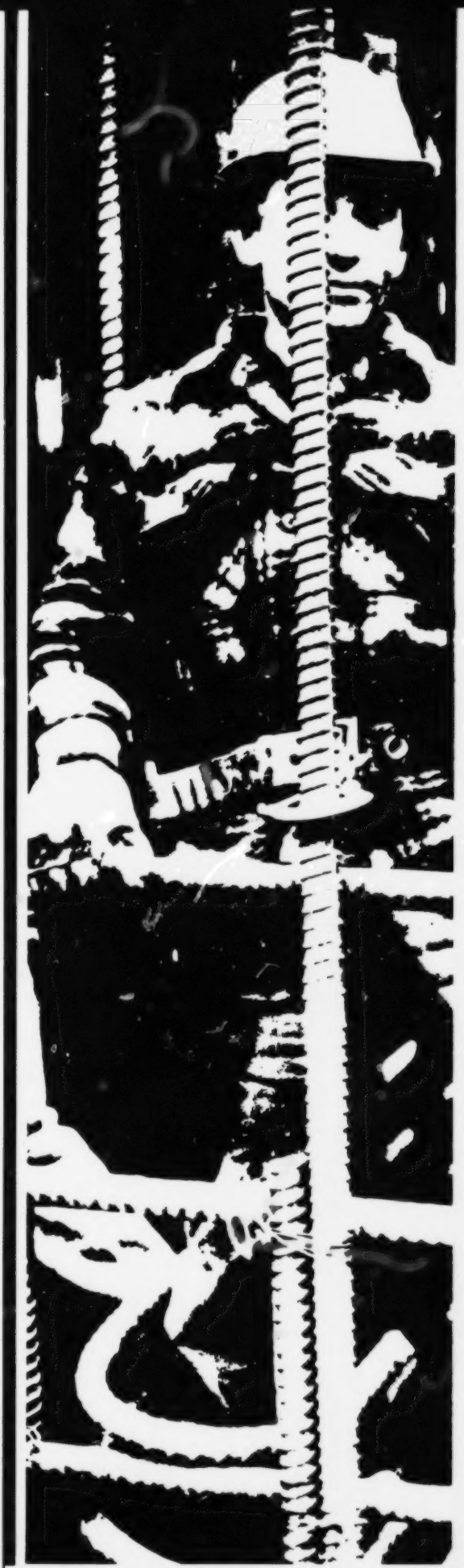
In order to help the parties meet the requirements of the designated substance regulations, guides to the regulations for benzene, mercury and silica were published.

Summaries of edited legal interpretative opinions concerning the division's legislation were distributed to interested parties.

Division officials continued to work with other agencies, such as Labour Canada and the Atomic Energy Control Board, that have related interests in complementary legislation. Staff of the division serve as agents of the federal government in administering health and safety standards in uranium mines.

The division continued to provide information to government agencies on the health effects of various chemicals used in Ontario workplaces. Visitors from other jurisdictions were welcome.

During the 1985/86 fiscal year a total of 123 appeals were initiated under section 32 of the Act. Of this total, 102 related to industrial establishments, 18 to mines and mining plants and three to construction projects. Seventy-eight of these appeals were launched by



Health and Safety

employers, while 45 were initiated by workers or trade unions. The status of the 123 appeals may be summarized as follows:

Status of Appeals	1985/86	1984/85
Settled or withdrawn	32	38
Undergoing mediation	66	24
Stayed because of possible prosecution	N/A*	7
Awaiting grounds	15	6
Decision rendered**	1	2
Hearing in progress or awaiting decision	N/A*	2
Hearing to be scheduled	2	N/A
Status requested	5	N/A
Awaiting clarification from appellant	2	N/A
Total	123	79

* Not available
** During the 1985-86 fiscal year decisions were rendered in three other appeals initiated prior to April 1, 1985.

The ministry also received notice from the provincial ombudsman that he intended to investigate one complaint that related to the Occupational Health and Safety Division. A second complaint continued to be under investigation.

Four editions of the division's internal newsletter were distributed in the fiscal year.

Strategic Policy Unit

On March 31, 1986 the Strategic Policy Unit had a complement of six, including three scientists, a statistician and an external liaison officer. The unit reports to the assistant deputy minister through its manager.

The mandate of the Strategic Policy Unit includes: recommending policy and setting priorities for control of toxic substances and physical hazards; maintaining external liaisons; developing and administering the use of the work injury information system; analysing trends related to adverse effects on health to assess effectiveness of existing control measures; and identifying strategic policy and development needs and priorities for the division on the basis of technical, social and economic factors.

To properly address these tasks a number of activities were continued. Issues considered included the preparation of criteria that may be used to assign priorities for control of toxic substances in the workplace; the use of risk assessment; and alternative control strategies to substance-by-substance designation. Routine monitoring activities were implemented, encompassing review of scientific and technical literature and following relevant trends and activities in other jurisdictions.

The Strategic Policy Unit reviewed and analysed the final reports of studies on wood dust and on 1,3-butadiene. A control strategy has been recommended for gases and fumes from welding operations, while a further study has been recommended for beryllium. Work has been ongoing for a revision to section 145 of the Regulations for Industrial Establishments. A survey of mercury exposure in dental offices was arranged.

Routine monitoring activities have disclosed, on occasion, substances not already on the list of toxic

substances for which adverse health effects have been reported or may be expected. Background information has been collected and reviewed for such substances to allow a determination of whether they should be added to the priority list.

To ensure that contact with, and access to, officials in other jurisdictions, with regard to technical matters, are maintained, the unit, working through the external relations officer, continued to foster and extend technical contacts with other Canadian health and safety agencies, the regulating agencies in the United States, such as the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA), and with other foreign jurisdictions. Information exchange contacts have been maintained with the European Economic Commission, the International Labour Organization (ILO) and the World Health Organization (WHO). Contacts other than those of a technical consequence are maintained by the Ministry of Labour through the Ministry of Intergovernmental Affairs.

The Strategic Policy Unit has also arranged for officials from other jurisdictions, including the Federal Republic of Germany and the People's Republic of China, to meet with senior officials within the division to allow for the exchange of ideas and information.

The Strategic Policy Unit has participated in federal/provincial consultation as a member of the Environmental Contaminants Act Consultative Committee, in task groups reporting to the Federal Provincial Committee on Environmental and Occupational Health and with federal committees assessing the need for control strategies for biotechnology and reviewing the Bhopal incident. The Strategic Policy Unit has also assisted in the preparation of Ontario's responses to conventions and recommendations of the ILO.

The Strategic Policy Unit provides statistical information to the division from the work injury information system on a regular basis and on request. The unit is in the process of upgrading the data on the work injury information system and of relating the available data with other relevant databases to provide more meaningful analysis of trends.

A discussion paper on "The Delivery of Occupational Health Services" has been prepared. This paper contains a survey of how occupational health services are provided within the province and furnishes options for the basis of discussion on the need for better co-ordination of such services.

The issue of smoking in the workplace was considered by the Strategic Policy Unit. A background paper was prepared and options were developed for the consideration of the division's senior officials.

In conjunction with officials from the Ministry of Agriculture and Food, the Report of the Ontario Task Force on Health and Safety in Agriculture was analysed and options were prepared on the implementation of the task force's recommendations.

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Working with officials from the Ministries of the Environment, Transportation and Communications, and the Solicitor-General, unit staff prepared a provincial position paper for the Bhopal Aftermath Review Committee.

Legislation providing for worker right-to-know about potentially hazardous substances in the workplace, has been under active consideration by the unit. The Report of the Workplace Hazardous Material Information System was reviewed by unit staff, who also assisted in the development of Bill 101, and Act to Amend the Occupational Health and Safety Act.

Recognizing the problems caused by lack of literacy skills in the workplace, a meeting of ministries with the mandate for the development of literacy skills was convened. Unit staff also participated in an inter-ministry committee to develop a government plan for adult basic literacy.

The Strategic Policy Unit has been responsible for preparing responses to memoranda received from the Advisory Council on Occupational Health and Occupational Safety: Memoranda 84-IV "Concerning Policies and Priorities for Dealing with Literacy and Occupational Health and Safety"; 85-I "Criteria and Alternative Approaches for the Control of Hazardous Substances and Agents in the Workplace: Part 1 – Identification of Criteria"; 85-II "Classification of Health Surveillance, Health Screening and Biological Monitoring Procedures in Workplace Biomedical Surveillance Programs"; and 85-IV "Workplace Control Programs".

Program Development Unit

On March 31, 1986 the Program Development Unit had a complement of 22. It reports to the exective director of the Occupational Health and Safety Division through its manager. The unit comprises eight occupational health hazards analysts working under the direction of two project managers, an economic analysis group, an operational policy analyst and the newly established Designated Substances Enforcement Unit. The primary responsibility of the economic analysis group is to advise on and assist with economic and cost analysis issues in the development of designated substances and other health and safety regulations.

In fiscal year 1985/86 the Program Development Unit completed development of designated substance regulations for arsenic, and asbestos on construction projects and met with officials of the Advisory Council on Occupational Health and Occupational Safety to discuss these regulations. Summaries of the information received were distributed to all interested parties. The Regulation respecting Asbestos on Construction Projects and in Buildings and Repair Operations was filed on December 16, 1985. The Regulation respecting Arsenic was filed on March 27, 1986.

A public meeting was held on the proposed regulation for ethylene oxide in September, and a report on the proposed regulation was submitted to the advisory council in March 1986.

Proposed regulations for lead on construction projects and silica on construction projects and in aggregate production were published in *The Ontario Gazette* in September 1985. Public meetings on these proposed regulations were held in January 1986 for lead and in February 1986 for silica. In addition, a proposed regulation for coal tar products on construction projects was published in *The Ontario Gazette* in January 1986. An amendment to the mercury regulation to include renovation or demolition of chloro-alkali plants in the regulation was published in the same month. Work continued on the development of a proposed regulation for isocyanates on construction projects.

In June 1985 the minister published in *The Ontario Gazette* a Notice of Intention to Designate Solvents. This notice was accompanied by a revised working draft of the proposed solvents regulation, which had been distributed for comment in November 1984. This was the first of the proposed generic regulations, and it addressed about 140 substances. During the year work was also continued on draft generic regulations for carcinogens and irritants. Based on the comments received in response to the notice for solvents, the division is considering a generic regulation, which would deal with classes of substances, not restricted to solvents.

Development continued on the proposed regulations respecting formaldehyde and styrene. Based on recommendations from an expert panel, the proposed formaldehyde regulation was revised in preparation for submission to the advisory council. In addition, a proposed styrene regulation was published in *The Ontario Gazette* on March 15, 1986.

A proposed regulation for cadmium was published in September 1985 and for chromium in January 1986. In March 1986 a public meeting was held to discuss revisions to the cadmium regulation.

In October 1985 Notices of Intention to Designate Welding and Cutting Fumes and Gases, and Polychlorinated Biphenyls were published. A consultant report on welding fumes and a health effects document had been distributed for public comment in July 1985. The health effects document on polychlorinated biphenyls is in preparation. In addition, health effects documents for nickel and coal tar products are being prepared by external consultants prior to proceeding with proposed regulations for these substances.

The unit has developed background information on a number of substances. A report and industrial hygiene survey of worker exposure to benzidine, its congeners and related dyes has been completed. A consultant report on wood dust exposure was completed, and a health effects document is in preparation. An industrial hygiene survey of exposure to trimellitic anhydride was also undertaken during the year. Unit staff completed background reports on 1,3 butadiene and pentachlorophenol as well as detailed guidelines on exposure prevention measures for polychlorinated biphenyls.

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Staff completed and published guides for the designated substance regulations respecting benzene, silica and mercury. In addition, staff initiated work on the guides for the regulations respecting acrylonitrile, isocyanates, asbestos on construction projects, and arsenic.

Data sheets were prepared for diphenyl methane isocyanate, lead, mercury, styrene, tetraethyl lead, toluene diisocyanate, 1,1,1-trichloro-ethane, and vinyl chloride.

The Economic Analysis Section produced monthly reports analysing the relation between labour market conditions and work injury statistics. Background industry profiles were prepared for five industries:

- coal tar pitch products and the construction industry
- cadmium
- leather tanning
- pulp and paper
- textiles

Several jurisdictional comparisons were completed on specific issues, and the section responded to a number of short-term information requests from within the division. Work was completed on the framework for in-depth economic analysis of costs associated with toxic substance regulation.

Discussions were completed with representatives of the petroleum industry, and a draft regulation was produced to cover workers engaged in the offshore drilling of oil and gas wells.

Summaries of edited legal interpretative opinions concerning the legislation were distributed to interested parties.

The division continued publication of the internal newsletter, and four editions were distributed in the fiscal year.

An orders policy and procedure, a notification prior to inspection policy and procedure, and a prosecution procedure were developed and distributed to field staff. Draft operational policies and procedures were also developed for complaints, conference attendance, coroner's jury recommendations, hazardous work, records management, refusals to work and release of ministry inspection/investigation reports.

The Designated Substances Enforcement Unit (DSEU) was recommended by the Royal Commission on Matters of Health and Safety Arising From the Use of Asbestos in Ontario. This unit wsa established in July 1985 with a complement of seven staff: a chief, two occupational hygienists, two special investigations officers and two clerical and administrative staff. As of March 31, 1986, four positions had been recruited.

The focus of the DSEU is to improve the administration and enforcement of the designated substance regulations (DSRs) by:

- planning and co-ordinating special DSR team inspections;

- assisting in the resolution of disputes between the parties in difficult cases;
- assisting Legal Branch in preparing prosecutions;
- ensuring that improved training in occupational health is provided to the inspectors;
- providing guidance to the ministry inspectorate as well as to management and labour by means of information packages and training materials.

Comprehensive team inspections, coupled with orders with specific compliance dates, and prosecutions of offenders, will act as deterrents to employers and bring home to the workplace parties the importance of complying with special toxic substance regulations.

Occupational Health Branch

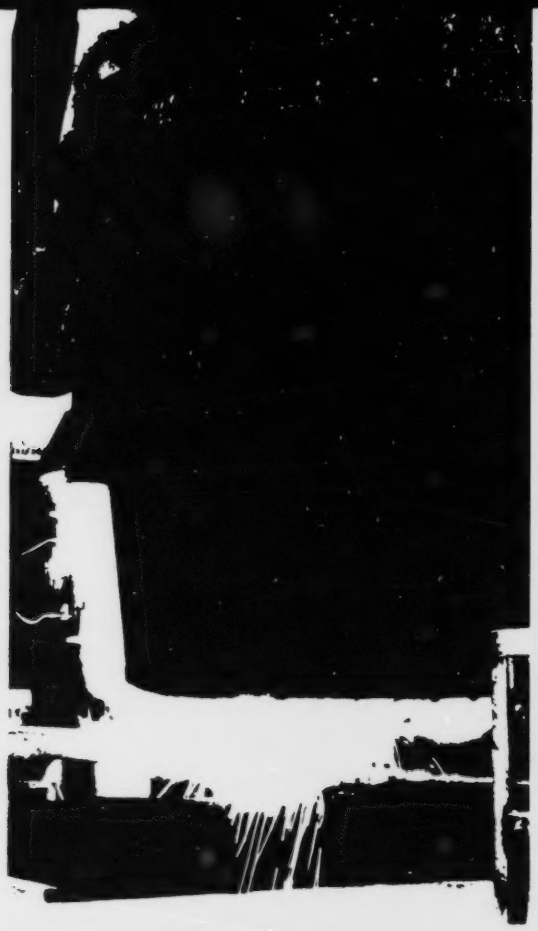
Peter L. Pelmear, MD, FFOM, CCBOM
Director

The objective of the Occupational Health Branch is to provide consultation and assistance to ministry inspectors, employers and workers on the recognition, evaluation and control of health hazards in the workplace in order to promote a healthful and safe occupational environment for Ontario's workers. The branch therefore provides support services to the inspection branches of the Ministry of Labour, the Ministries of the Environment and Health and the Worker's Compensation Board.

The branch participates in the development of standards and guidelines to control harmful exposures in industrial environments that may adversely affect the health of workers. Senior staff have participated in the development of the designated substance regulations and have been largely responsible for the development of the codes in these regulations. The codes specify the requirements to be met or exceeded for respiratory equipment and its use, the measurement of airborne designated substances and medical surveillance programs. The branch is now engaged in auditing the medical and hygiene aspects of the control programs established under the designated substance regulations, and provides through its Laboratory Services, at the request of examining physicians, chest X-rays, pulmonary function tests and blood and urine analyses.

The journal, *Occupational Health in Ontario*, is published under the direction of an editorial board, and is available to libraries, health personnel and the general public. The journal provides the reader with informative insights into new scientific and medical opinions in the field of occupational health.

The Occupational Health Branch program is initiated and administered through the branch's three services and a resource section, each of which reports to the director through a chief of service.



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The branch's complement during fiscal year 1985/86 was 177. This comprised:

Administration and Resource Section – the director, a manager of program administration, an administrative assistant, a senior consultant, two physicians, one engineer, a scientist, an audiologist, a biostatistician, and 17 support staff.

Medical Service – 15 physicians, nine nurses, 19 technicians, a liaison officer, a survey organizer, an administrator and 15 support staff.

Hygiene Service – chief of service, 19 hygienists and one support staff.

Laboratory Service – chief of service, a principal scientist, four supervisors, 11 scientists, 46 technicians and five support staff.

1985/86 Activities

Resource Section

The Resource Section provides advice on current issues and occupational health problems in the field. It also provides guidance notes and question/answer circulars that address OHB field consultants and division concerns regarding field investigations.

The notifications of new chemicals introduced in Ontario workplaces and submitted to the director as required by section 21 of the Occupational Health and Safety Act are handled by the senior consultant and the medical toxicologist. The notifications are toxicologically assessed from the data provided. Where a hazard to the health or safety of workers may exist, further reports and assessments are required. Field visits to notifying companies are also performed to evaluate workers' exposure to the new chemicals. To date there have been 166 notifications, including 46 in 1985/86.

The Resource Section assists in the development of codes for designated substances and, in conjunction with the Management Information Systems Branch, is co-ordinating the utilization of a computer system to accommodate all the data received by the OHB. The computer system involves the use of mini-computers, satellite terminals and the Queen's Park data storage facility. The computer is also used by the section for the data analysis of the ongoing research projects.

Source of Resource Section Visit Requests	
Carry over from 1984/85	0
Industrial Health and Safety Branch	4
Occupational Health Branch	11
Other	1
Total	**16**

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Resource Section Visits

	Requests	Field Visits	Outstanding
Carry over from 1984/85	0		
April	0		
May	0		
June	0		
July	2		
August	0		
September	5	4	
October	1		
November	2	4	
December	1	2	
January	4	1	
February	0	4	
March	1	0	
Total	**16**	**15**	**1**

Occupational Health Medical Service

This service has three sections: physicians, nurses and chest clinics. A senior medical and a senior nursing consultant are located at Head Office in Toronto, and one senior medical consultant is at Kingston. The other consultants are located in field offices, and the inspectorate is in Scarborough, Mississauga, London, Hamilton, Sudbury and Ottawa.

Medical Consultants

The medical consultants work with the industrial, construction and mining inspectors as well as with other members of the branch to investigate situations where health hazards may exist, to evaluate occupational health services and to advise on the establishment of medical surveillance programs. The physicians also act as consultants to the Workers' Compensation Board, hospitals and family physicians. The consultants have participated in branch research projects and in education activities. In total, 722 field visits, 151 joint visits, and 317 air quality comments were done by the medical consultants.

Nursing Consultants

The nursing consultants visit industries and institutions to audit designated substances medical surveillance programs, promote occupational health programs where none exist and encourage the expansion and upgrading of existing programs.

During 1985/86, 407 field visits were made to audit and promote occupational health services or programs.

Source of Nursing Visit Requests

Carry over from 1984/85	254
Industrial Health and Safety Branch	46
Occupational Health Branch	515
Workers' Compensation Board	0
Total	**815**

Nursing Visits

	Requests	Field Visits	Outstanding
Carry over from 1984/85	254		
April	14	50	
May	38	53	
June	61	65	
July	23	61	
August	57	55	
September	56	60	
October	68	53	
November	54	56	
December	22	62	
January	90	40	
February	59	53	
March	18	49	
Total	**815**	**657**	**158**

Source of Physican Visit Requests

Carry over from 1984/85	95
Industrial Health and Safety Branch	180
Occupational Health Branch	173
Construction Health and Safety Branch	5
Mining Health and Safety Branch	13
Workers' Compensation Board	379
Other	18
Total	**863**

Physicians' Visits

	Requests	Field Visits	Outstanding
Carry over from 1984/85	95		
April	66	52	
May	82	68	
June	54	62	
July	56	59	
August	58	64	
September	60	51	
October	62	63	
November	93	63	
December	76	57	
January	45	69	
February	42	55	
March	74	59	
Total	**863**	**722**	**141**

Occupational Health Hygiene Service

The chief of service is located at Head Office in Toronto, and the occupational health hygienists in field offices with the inspectorate in Scarborough, Mississauga, Hamilton, London, Windsor, Sudbury and Ottawa. They act as consultants to the inspection branches of the Ministry of Labour and may also respond to requests from industry, trade unions, health units and community organizations through the inspectorate, and the Worker's Compensation Board.

The service conducts field investigations of chemical, physical and other health hazards, audits exposure of workers to chemical substances and physical agents and recommends corrective action. These field visits are made to identify and evaluate workers' exposures and to recommend control measures for hazardous substances.

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Engineering consultants of the service provide advice to the line branches on the quality of engineering controls during the review of plans and drawings submitted for approval and they conduct follow-up engineering investigations. The service has been actively involved with comments on assessments and control programs.

Field visits are generally unannounced, and the consultant is usually accompanied by an inspector from one of the ministry's line branches.

In total, 1,413 field visits, 151 joint visits, 801 air quality comments and 33 pre-development reviews were done by the Hygiene Service staff.

The service has provided significant input in the development of respirator codes for the designated substances. During 1985/86 seven such codes were developed and reviewed. The line branch inspectors, at several regional seminars, were subsequently trained in the application and use of respirator equipment. The service has advised on several issues related to respirator code equivalencies and indoor air quality.

Source of Hygienist Visit Requests

Carry over from 1984/85	394
Industrial Health and Safety Branch	1,210
Occupational Health Branch	120
Constructon Health and Safety Branch	30
Workers' Compensation Board	135
Other	39
Total	**1,928**

Hygienists' Visits

(Including Pre-Development Review)	Requests	Field Visits	Outstanding
Carry over from 1984/85	394		
April	150	110	
May	137	136	
June	127	113	
July	119	162	
August	99	135	
September	92	126	
October	122	130	
November	136	90	
December	139	96	
January	116	113	
February	178	111	
March	119	124	
Total	**1,928**	**1,446**	**482**

Joint Visits Medical, Hygiene and Resource Sections

	Requests	Field Visits	Outstanding
Carry over from 1984/85	19		
April	13	7	
May	18	19	
June	8	16	
July	13	11	
August	11	10	
September	14	7	
October	15	12	
November	15	15	
December	8	11	
January	11	11	
February	13	13	
March	9	19	
Total	**167**	**151**	**16**

Source of Joint Visit Requests

Carry over from 1984/85	19
Industrial Health and Safety Branch	90
Occupational Health Branch	45
Constructon Health and Safety Branch	1
Workers' Compensation Board	10
Other	2
Total	**167**

Summary of Field Visits

Source	Totals
Physicians	722
Nurses	657
Hygienists	1,413
Pre-Development Review (Engineers)	33
Occupational Health Laboratory Technicians	1,092
Resource Section	15
Joint Visits	151
Total Field Visits	**4,083**

Chest Clinics

During the 1985/86 fiscal year, the computer medical surveillance program (MESU) was implemented in the northern chest clinics, to which miners and other workers go once every two years to receive chest X-rays and pulmonary function tests as required by the designated substances regulations. The program's headquarters are in Sudbury. A major reorganization of reporting procedures and the concentration of medical files in Sudbury was carried out in association with this project. A training program was carried out for staff involved in data entry operation.

In addition, a program was started to cull chest X-ray films that no longer needed to be kept under the regulations. All films were double checked by the physician-in-charge at the Sudbury clinic to retrieve those films that were deemed to be of interest.

The Canadian Pneumoconiosis Reading Panel for standardizing the quality of X-ray interpretations by physicians was established, and the circulation of X-rays and reports will commence in the next fiscal year 1986/87. This quality control project is being undertaken

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Chest X-ray Examinations

Silica Mines	9,377
Silica Foundry	5,858
Silica Others	10,763
Asbestos	3,033
Asbestos and Silica	867
Others	3,002
Total	**32,900**

Silicosis

Of 25,998 workers screened for silica exposures, radiological evidence of silicosis was reported in 49. Nineteen of these were newly diagnosed.

	Previously Reported	Newly Diagnosed	Total
Silicosis	30	19	49
Complicated Silicosis	0	0	0
Total	**30**	**19**	**49**

A total of 13,108 miners were examined. Twelve miners were found to have newly developed radiographically suspected silicosis.

Asbestosis

Of 3,900 workers screened for asbestos exposure, radiological evidence of asbestosis was reported in 10. Three of these cases were newly diagnosed.

	Previously Reported	Newly Diagnosed	TOTAL
Asbestos Exposure	5	2	7
Asbestos/Silica Exposure	2	1	3
Total	**7**	**3**	**10**

Clinic Location	Number of Workers Examined	Number of Chest X-rays	Number of Pulmonary Function Tests
Elliot Lake	2,439	2,439	2,426
Kirkland Lake	1,000	1,000	994
Sudbury	5,475	5,475	4,311
Timmins	2,450	2,450	2,449
Thunder Bay	1,744	1,744	1,513
Toronto	19,792	19,792	19,047
Total	**32,900**	**32,900**	**30,740**

in association with the Occupational Health program at McMaster University. The statistical analysis of the physicians' reports will be carried out under the chest clinic computer program.

A retrospective study of silicosis in Ontario miners was completed in association with staff from McMaster University, and data gathering for a small study of control subjects in the evaluation of exertional breathlessness in pulmonary disability claimants was completed.

A review of chest X-ray and lung function data on all active hard metal industry workers in Ontario was started, and its first phase was completed by the end of the fiscal year.

(a) Chest X-rays

- Chest X-ray examinations were carried out mainly for the surveillance of workers exposed to the designated substances – silica and asbestos. Screening of smaller groups of workers exposed to other

respiratory hazards, such as beryllium, hard metal (tungsten carbide and cobalt), nepheline syenite and cadmium, continued.

- A total of 32,900 workers were examined. Of these, 25,998 were for silica exposure, 3,033 for asbestos exposure, 867 for combined silica and asbestos exposure, and 3,002 for exposure to other respiratory hazards.
- Nineteen workers were found to have newly-developed radiographically suspected silicosis.
- Newly-developed radiographically suspected pulmonary parenchymal asbestosis was found in three workers.
- Twelve workers were suspected as having pulmonary malignancy.
- Fifty-five workers were diagnosed as having dust effects, i.e. showing an X-ray pattern that was consistent with the earliest possible appearance of pneumoconiosis, but of insufficient degree to make a firm X-ray diagnosis.
- During 1985, 659 examinations were done on claimants for evaluation by the Advisory Committee on Occupational Chest Disease.

(b) Pulmonary Function

- The use of forced expiratory spirometry (with portable spirometers) continues to be one of the mainstays of the surveillance program.
- A respiratory questionnaire and upgrading system for estimating the quality of spirometric tracings are

Pulmonary Function Tests

Exposure Group	Number of Employees	Abnormalities* # Tests	Abnormalities* % of Total
Silcia Mines	7,995	406	5.1
Silcia Foundry	5,949	238	4.0
Silcia Others	10,680	386	3.6
Asbestos	3,045	110	3.6
Asbestos/Silica	883	41	4.6
Others	2,188	74	3.4
Total	**30,740**	**1,255**	**4.1**

*Significant abnormalities determined by Crapo et al., are categorized as moderate, moderately severe, severe obstruction or restriction, and combined obstruction with restriction.

Summary

Activities	
Number of X-rays	32,900
Number of pulmonary function tests	30,740
Results and Findings	
New cases of suspected silicosis	19
New cases of suspected asbestosis	3
New cases of suspected dust effects	55
New cases of suspected other pneumoconioses	2
Suspected neoplasms	12
Suspected TB	7
Suspected sarcoidosis	9

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now fully in use, and every effort is made to maintain quality control of both the tracings and equipment.

- During the year the laboratory staff analysed 30,740 spirometric tracings.

Occupational Health Laboratory

The laboratory provides analytical and air sampling services to the medical and hygiene services of the branch. Analyses are also requested by physicians, health units and other government agencies.

Approximately 43 per cent of analyses are of blood and urine samples collected from workers exposed to hazardous substances; these samples are collected as part of medical surveillance programs. Analyses include determination of lead in blood, mercury, lead or cadmium in urine and cholinesterase in blood.

Analyses of filtering media used during air sampling procedures or of material samples of unknown identity or composition account for the remainder of the laboratory's caseload.

In this year, approximately 38 per cent of all analyses were directly or indirectly related to the ten designated substances for which regulations have been filed.

Some new analytical methods were developed and some old ones were reviewed and improved. This helped the laboratory to keep abreast of the technical requirements of air quality assessments in general, and to analyse and identify new occupational health hazards.

A total of 1,092 field visits were made by the occupational health technicians to sample the exposure levels of workers to chemical substances and physical agents at the request of branch consultants. They have also participated in branch research projects.

The service has developed codes for air sampling and

Environmental Assessment Requests

Carry over from 1984/85	239
Industrial Health and Safety Branch	1
Occupational Health Branch	1,064
Total	**1,304**

Environmental Assessments

	Requests	Field Visits	Outstanding
Carry over from 1984/85	239		
April	115	99	
May	91	101	
June	87	101	
July	109	123	
August	96	100	
September	78	77	
October	76	85	
November	76	64	
December	92	73	
January	85	88	
February	82	89	
March	78	92	
Total	**1,304**	**1,092**	**212**

analyses for designated substances regulations; has maintained a proficiency testing program with private laboratories for air samples generated in the laboratory and a similar proficiency testing program for clinical samples; and has extended its existing program to computerize all analytical data generated.

Summary of Analyses	
Clinical Samples	38,507
Materials Samples	2,395
Air Samples	35,585
Physical Agents	12,680
Total Number of Analyses	**89,167**
Samples sent to Private Laboratories for Proficiency Testing	1,217

Analyses

	Physical Agents	Air Samples	Bulk Samples	Clinical Samples	Total
Acrylonitrile	0	118	2	0	120
Asbestos	647	0	367	0	1,014
Benzene	0	511	15	545	1,071
Coke Oven Emissions	0	132	0	0	132
Cristobalite	0	0	0	0	0
Isocyanates	0	1,583	22	0	1,605
Lead	0	1,488	77	24,049	25,614
Mercury	0	185	5	2,744	2,934
Silica (Quartz)	0	786	118	0	904
Vinyl Chloride	0	272	0	0	272
Other	12,033	30,510	1,789	11,169	55,501
Total	**12,680**	**35,585**	**2,395**	**38,507**	**89,167**

Materials: Summary of Source

IHSB	153	Special Surveys	113
OHB	458	Solicitor General	1
MHSB	75	CSAO	1
CHSB	57	Other	28
Health Units	15	**Total**	**901**

Construction Health and Safety Branch

D.M. Pizak, P. Eng
Director

The Construction Health and Safety Branch is responsible for encouraging construction employers and workers to implement the most appropriate measures and procedures to reduce the incidence of accidents and illnesses associated with construction operations across Ontario. The branch administers and enforces the requirements of the Occupational Health and Safety Act, R.S.O. 1980, C.321, and Regulations for Construction Projects. This legislation applies to a dynamic industry work force estimated to be 248,000 during the fiscal year 1985/86. The industry encompasses activities such as erection, alteration, repair and demolition of buildings and structures, the construction of shafts and tunnels, including work in compressed air, on highways, railways, sewers and watermains and working with conductors of electrical energy, solids, liquids or gases. The branch is

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also responsible for ensuring that workers engaged in window cleaning operations comply with legislation (Ontario Regulation 156/84) enacted during the fiscal year 1983/84.

Officials of the branch engage in continuous dialogue with the construction industry by pre-construction consultations, consultation in the workplace during construction and by active participation at meetings convened by district and regional health and safety committees. Both labour and management in the construction industry have recognized the advantages of working co-operatively with the branch, and have established district and regional committees composed of labour and management representatives from a variety of construction trades. Their focal point is the Provincial Labour-Management Health and Safety Committee, based in Toronto. The branch director attends monthly meetings of this committee and takes an active role in assisting its members in their understanding of the Act and Regulations for Construction Projects. He also presents the ministry's views on health and safety in the construction industry. Branch officials at all levels similarly participate at monthly meetings of local district and regional health and safety committees.

Officers of the branch inspect construction projects at regular intervals. When potential health or safety hazards are identified, every effort is made to encourage workers and management representatives to correct problems in compliance with the requirements of the legislation. Strategies, including prosecutions, are also implemented to obtain compliance, particularly when the identified hazards could result in serious or fatal injuries to workers. Consultations on projects afford workers who do not have union affiliation with opportunities to understand the specific requirements of the legislation.

The branch investigates the circumstances related to fatal, critical and serious accidents in addition to "near misses" involving the use of heavy equipment and machinery where no personal injuries are sustained. It is branch policy to investigate every complaint concerning construction activity without revealing the identity of the complainant. Branch officials also investigate situations where workers refuse work that they consider to be a danger to their health and safety. During 1985/86 the branch investigated seven work refusals.

Branch Organization

The branch is organized into four subdivisions for purposes of administration, with the director centrally located in Head Office. He is assisted by a senior consultant, three regional administrators and a manager of program administration. The three administrators oversee the operational activities of local district construction safety managers, who supervise teams of construction safety officers within each of the three regions. A specialist team responsible for inspecting underground construction operations throughout the

province is located in the Head Office. Regional engineers provide a technical consultation service to line managers and officers within the region to which they have been assigned. The senior consultant and manager of program administration provide technical and administrative support to the director and line staff of the branch.

On March 31, 1986 the Construction Health and Safety Branch had a total complement of 105 staff, comprising one director, three regional administrators, 16 district managers, four regional engineers, 69 field inspectors, four technical/administrative management and eight clerical support staff.

1985/86 Activities

During the 1985/86 fiscal year construction health and safety officers completed 46,552 inspections of construction projects. A total of 23,507 orders were issued during these inspections, compared with 23,552 during the previous fiscal year. Included in the total number of inspections were 831 inspections of 208 underground projects. A total of 243 orders were issued during these underground inspections.

During 1985/86, 27 fatal accidents were reported compared to 31 during the previous year.

Inspection and Fatality Data

	1985/86	1984/85
Complement	**105**	110
Workers in the Work Force	**248,000**	243,000
Projects/Establishments	***16,849**	11,545
Non-Fatal Accidents Reported	**15,424**	8,663
Accidents Investigated	**921**	838
Fatalities Investigated	**27**	**29
Refusals to Work Investigated	**7**	2
Complaints Investigated	**1,106**	1,256
Inspections	**46,552**	55,726
Orders Issued	**23,507**	23,552
Stop Work Orders Issued	**560**	615
Consultations	****1,894**	905
Case Prosecutions	**361**	238
Convictions	**334**	199
Fines	**$277,509**	$260,091
Revenue	**$ 4,862**	Nil

* Includes non-notifiable projects
** Revised after publication – Two fatalities subsequently allocated to other jurisdictions
*** Includes engineering consultations

Legislation Review

The branch continued its review of proposed amendments to the construction regulations. Input from the industry, including technological changes, together with issues arising from coroners' jury recommendations and branch experience have been considered.

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Industrial Health and Safety Branch

W.S. Melinyshyn, P.Eng
Director

The Industrial Health and Safety Branch is responsible for ensuring implementation of effective occupational health and safety programs designed to reduce the incidence of illness and/or injury caused by industrial activities and processes across the province. The branch administers and enforces the Occupational Health and Safety Act and Regulations for Industrial Establishments and the Designated Substance Regulations.

The Act applies to an estimated 3.2 million workers in more than 150,000 industrial establishments/institutions in Ontario, including those employed in industry, logging, hospitals, schools, colleges, universities, police, fire, detention and correctional institutions, transportation and municipalities.

Employers and employees themselves have the primary responsibility of occupational health and safety programs in their workplaces, and they are encouraged to meet their individual responsibilities. Officers of the branch inspect workplaces at various intervals and always in conjunction with the system supporting self-regulation and involvement by labour and management.

The branch conducts investigations into deaths, critical injuries, serious accidents and complaints about working conditions as well as into situations where workers refuse to work because they have reason to believe that their health or safety is endangered and they have been unable to resolve the issue with the employer and worker representatives.

The increasing use of toxic chemicals and agents in the workplace requires careful monitoring to establish controls of potential health hazards. The branch works closely with the professional staff in the Occupational Health Branch to evaluate the hazards and take appropriate action. The branch staff devote particular attention to the implementation of the designated substance regulations as they become law and follow up to ensure that compliance with the regulations is achieved.

Professional engineers on staff with the branch review drawings of new industrial buildings or proposed alterations to existing structures and provide professional technical expertise to ensure compliance with the Act and regulations.

On March 31, 1985 the Industrial Health and Safety Branch had a staff of 175, including one director, 165 field staff and nine support staff.

1985/86 Activities

During the year, officials of the Industrial Health and Safety Branch completed 41,628 inspections, 6,106 investigations and issued a total of 49,269 orders. The number of fatalities in establishments under the

branch's jurisdiction decreased to 42 from 46. Of these, 38 occurred in industrial workplaces and four occurred at logging operations.

Inspection and Fatality Data	1985/86	1984/85
Complement	**175**	175
*Workers in the Work Force	**3,200,000**	3,300,000
Projects/Establishments	**150,000**	150,000
Accidents Investigated	**1,179**	874
Fatalities Investigated	**42**	46
Refusals to Work Investigated	**344**	281
Complaints Investigated	**1,525**	1,016
Telephone Enquiries	**73,283**	54,165
Consultations	**1,211**	882
Appearance at Inquest or Trial	**237**	218
Other Investigations	**3,016**	3,815
Inspections	**41,628**	40,445
Orders Issued	**49,269**	50,643
Stop Work Orders Issued	**1,645**	924
Pre-Development Review (Plans Review)	**3,175**	2,659
Case Prosecutions	**75**	91
Convictions	**56**	50
Fines	**$148,700**	**$146,000
Revenue	**$1,128,527**	**$854,759

* Updated work force figures – Source: Statistics Canada Labour Force Report (July 1985) and Employment, Earnings and Hours Report (August 1985).
**Corrected figures. Incorrect amounts reported in 1984/85 Annual Report.

Industrial Health and Safety Branch and Ministry of Industry, Trade and Technology

The branch has established a comprehensive system with the Ministry of Industry, Trade and Technology to provide compliance information on firms applying to the Automotive Parts Investment Fund.

Hazard Alerts

The Industrial Health and Safety Branch has adopted a system of hazard alerts specifically directed at certain areas causing problems. Areas where alerts have been issued during the fiscal year 1985/86 are:

1) Manholes in Sewers
2) Chicots
3) Sewer Cleaning Bucket Machines
4) Refuse Packer Trucks
5) Hang Up Trees
6) Entry into Septic and Sewage Holding Tanks

Data Base Expansion

The branch has developed a computerized system to enhance its ability to register new companies by utilizing Workers' Compensation Board computer file data. Full implementation and cyclical inspections began in the 1985/86 fiscal year.

Designated Substances

Procedures for handling newly designated substance regulations provide for the distribution of an initial information package to the workplace. The package consists of an introductory letter, which outlines the basic requirements of the new regulation, a compliance notification questionnaire and a copy of the regulation.

The branch computer system was expanded in 1984 to incorporate compliance information on designated

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substance workplaces. Reports can now be produced listing the compliance status on assessments and control programs in each workplace known to the branch to be using a designated substance. These monthly reports now serve as a management tool for the inspectorate as well as a source of statistical information.

Mining Health and Safety Branch

V. Pakalnis, P. Eng*
Director

The objective of the Mining Health and Safety Branch is to reduce the risk of death and injury to workers in Ontario mines and mining plants.

The branch encourages employers and workers in the mining industry to achieve this goal by co-operative identification and control of health and safety hazards in workplaces under its jurisdiction.

The branch administers the Occupational Health and Safety Act, R.S.O. 1980, C.321, Revised Regulations of Ontario 569/83 for Mines and Mining Plants, and designated substances regulations.

The branch's activities apply to 172 underground mines, 53 open-pit mines, 6,455 sand and gravel pits and quarries, 64 metallurgical and ore processing plants and 49 clay, shale and peat workings.

The Mining Health and Safety Branch has a complement of 91 persons, including nine mine rescue training officers and five wire rope technicians.

1985/86 Activities

The branch's activities cover some 45,557 workers at 6,842 operations in underground mines and open pits, diamond drilling and some associated industrial establishments and construction sites.

There are 60 staff appointed as inspectors under the Act, including 21 district engineers and nine employed in senior management. The inspectorate is specialized in three main disciplines: mining, electrical-mechanical, and working environment.

The branch's activities include the following areas: Inspection Program; Investigation Program; Legislation Review; Wire Rope Testing; Working Environment Surveys; Education and Guidance-Regulation Modules; Pre-Development Review; Mine Rescue Program; Ground Control.

Inspection Program

The Inspection Program is an ongoing program to audit compliance with the Act and regulations by physical inspection of workplace practices and conditions.

Included in this program is an ongoing analysis and review of the performance of the internal responsibility system at each workplace. The results of this review

*V. Pakalnis was appointed director effective October 1, 1985

influence the type and frequency of inspection carried out by the branch in that workplace.

Types of operation inspected are:

Industry Statistics

	1985/86		1984/85	
	Operations	Workers	Operations	Workers
Underground Mines	172	23,029	160	23,945
Open Pit Mines	53	2,089	65	1,901
Quarries	413	3,219	398	3,195
Clay and Shale Pits	29	115	34	99
Sand and Gravel Pits	6,042	8,157	5,917	8,726
Peat Workings	20	56	21	61
Brine Wells	2	12	1	–
Metallurgical Plants	30	7,794	30	7,788
Metallurgical Labs	12	401	11	445
Aggregate Plants	22	458	22	362
Diamond Drilling Operations	47	227	38	147
Total	**6,842**	**45,557**	6,697	46,669

Where inspections reveal contraventions of the Act or regulations, orders are written that specify a time for compliance. Orders are followed up to ensure compliance, and prosecutions are undertaken where appropriate.

In 1985/86, 5,111 inspections were made and 3,605 orders were issued, of which, 188 constituted stop work orders.

Investigation Program

The Mining Health and Safety Branch carries out investigations of all fatal accidents, serious accidents, unusual occurrences, refusals to work and other occupational health and safety complaints from workers in the mining sector. Ministry staff may be reached 24 hours a day to investigate fatalities, serious accidents or refusals to work.

All fatalities are investigated, and detailed reports of the investigations are published. During the fiscal year 1985/86, 14 fatalities were investigated.

The branch has developed a computer program to collect and analyse data on the types of non-fatal injuries reported and/or the cause of serious accidents and unusual occurrences.

The branch investigates cases of refusals to work that have been reported to them by employers and workers or their representatives. There were 29 investigations into work refusals in 1985/86. The branch staff also investigates other complaints concerning unsafe or unhealthy conditions.

Legislation Review

As a result of investigations into critical injuries and fatalities and as a result of pre-development reviews of employers' projects and engineering reviews of mines and plants, the regulations are scrutinized for their sufficiency and currency.

The Ministry of Labour maintains the Mining Legislation Review Committee, consisting of an equal

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number of representatives from labour and management in the mining industry, which meets quarterly to discuss regulatory changes. During 1985/86, 26 new or revised sections of the regulations were recommended to the minister.

The committee establishes a mechanism for maintaining the mining health and safety regulations in a technically current and updated form, resulting in a high level of acceptance and credibility.

Wire Rope Testing

By statute, all wire rope used in the mine hoisting installations must be tested by the Government of Ontario Wire Rope Testing Laboratory before use and at intervals during service. Each rope is examined for corrosion, lubrication and wear and is tested for individual wire ductility and total rope strength. For the rope strength testing, the laboratory has three tensile machines available: two 1,000,000-lb. machines and a 400,000-lb. machine. During 1985/86 the laboratory completed 874 tests.

Working Environmental Surveys

In 1985/86 the Mining Health and Safety Branch employed nine inspectors who specialized in enforcing health-related regulations at mines. As part of their duties these working environment inspectors make surveys by taking samples of mine air to determine worker exposures to dusts, gases and fumes.

Another major activity was the testing of cap lamps to determine their light output. The branch also employs a working environment engineer who conducts engineering reviews of existing and proposed mines and mining plants for health-related concerns.

Education and Guidance – Regulation Modules

The Mining Health and Safety Branch provides education and guidance on health and safety matters to employers and employees in the mining industry.

The branch prepares Information Sheets and Hazard Alerts, which serve as supplementary explanatory material on the regulations for use by branch inspectors and by the mining industry.

The Mining Health and Safety Branch, in conjunction with industry, labour and safety associations, completed production of 40 modules. These modules are designed to train supervisors, worker inspectors, health and safety committees and MHSB inspectors in the requirements of the Regulations for Mines and Mining Plants. They consist of a manual and an audio-visual presentation (sound/slide and videotape) and are available to the mining industry from the Mines Accident Prevention Association of Ontario (MAPAO).

Pre-Development Review

The mining regulations under the Occupational Health and Safety Act specify that the Mining Health and Safety Branch director must receive notification of all new developments or construction, introduction of new

process technology, use of new methods of construction or of equipment installation, major alterations of mining techniques or technology or the making of major additions or alterations. Branch staff then review the plans to check for compliance with the Act and regulations so as to reduce the possibility of designed-in occupational health and safety hazards. Employees also receive notification of the new developments through their joint health and safety committee representative.

Mine Rescue Program

This program trains mine rescue teams at each mine in the direction and control of special emergency preparedness and mine rescue procedures.

The director of the Mining Health and Safety Branch has overall responsibility for the mine rescue program in Ontario. The training officers maintain a number of stations and substations equipped with breathing apparatus and firefighting equipment, as well as other emergency equipment and supplies, to respond immediately to any mine emergency.

This program is funded by direct assessment on the mining industry through the Workers' Compensation Board.

Eight mine rescue training officers and the senior mine rescue officer divide their time between training new miners in mine rescue techniques, holding refresher training courses to keep active mine rescue personnel prepared to handle rescue emergencies and fires, checking and maintaining mine rescue breathing apparatus in manned and unmanned rescue stations and holding mine rescue competitions to allow trained rescue personnel to test their preparedness.

During 1985/86 659 men participated in the mine rescue training program, and 38 seven-man teams competed in eight district mine rescue competitions. One hundred and seventy-four supervisors underwent supervisory and management training in mine rescue. Sixteen fires were responded to, in addition to many calls to be on the alert for emergencies or fire drills.

Training involved 716 eight-hour training days and 4,336 eight-hour man-days of training. This total does not include extra district and provincial competition training or emergency assistance.

The branch has embarked upon improving its emergency preparedness capabilities for non-fire emergencies. New equipment for monitoring and locating trapped miners is being evaluated for acquisition along with lifting bags, special jacks and low profile portable cutting and prying equipment.

Provincial Inquiry into Ground Control and Emergency Preparedness in Ontario Mines

The labour/management/government inquiry was established in October 1984 subsequent to a tragic rockburst in Falconbridge Number 5 shaft. The inquiry spent a total of 46 days conducting public hearings in mining communities throughout Ontario and visited 15 mines. The committee received a total of 48 briefs and

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communications from interested parties, including the Mining Health and Safety Branch of the Ministry of Labour.

The report of the Provincial Inquiry into Ground Control and Emergency Preparedness in Ontario Mines was issued in March 1986. The report contains 60 recommendations for improving ground control and emergency preparedness in underground mines. The ministry is committed to implementing these recommendations in the shortest time frame possible.

Mining Health and Safety Data

Branch Statistics	1985/86	1984
Complement	91	
Mine Rescue Staff	9	
Wire Rope Staff	5	
Administrative Support Staff	17	
Inspectorate	60	
Number of Mine Rescue Stations	8	
Number of Mine Rescue Substations	37	31
Miners Under Training in Mine Rescue	659*	670
Wire Rope Tests	874	948
Revenue from Wire Rope Tests	$182,600	$177,500
Non Fatal Accidents Investigated	3,986	4,993
Critical Injuries Investigated	61	56
Fatalities Investigated	14	15
Refusals to Work Investigated	29	25
Unusual Occurrences Investigated	349	339
Hours Spent Investigating Complaints	2,786	1,918
Hours Spent on Pre-Development Review	11,400	10,098
Number of Inspection Reports	5,111	4,930
Number of Orders Issued	3,605	4,690
Number of Stop Work Orders	188	127
Prosecution Cases	5	4
Convictions	3	3
Revenue from Fines Collected	$ 12,000	$ 4,603

*These figures are for the period January 1 – December 31.

Jurisdiction in Uranium Mines

Following an agreement reached in June 1984, the Ontario Ministry of Labour provides inspection, administrative, enforcement and related services for non-radiological health and safety in uranium mines in Elliot Lake on a charge-back basis to the Atomic Energy Control Board.

Joint Activities with Outside Agencies

The Ministry of Labour, through the Mining Health and Safety Branch, is involved in a number of co-operative research programs with the federal Department of Energy, Mines and Resources (CANMET) and the U.S. Bureau of Mines. These initiatives include programs on: a) diesel emissions in underground mines; b) wire rope and hoisting technology; c) ground control and emergency preparedness. New programs are being studied on the subjects of sulphide dust explosions and robotics.

This sharing of information and collaborative research has been instrumental in the development of a ceramic diesel exhaust filter, which will improve the mine working environment and reduce diesel emissions.

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Special Studies and Services Branch

Geoffrey R. Wright, P.Eng., Ph.D.
Director

This branch is concerned primarily with programs to prevent illness and injury. Its responsibilities are to:

- support the development of the Occupational Health and Safety Division's regulatory strategies by:
  (a) acting as a resource to the division on the long-term health effects of exposure to various toxic or hazardous agents;
  (b) keeping abreast of world literature on the causes and prevention of occupationally-related diseases and injuries;
- carry out short- and long-term investigations of health problems associated with occupational exposure to hazardous agents;
- evaluate the health of particular groups at risk, such as miners and workers exposed to silica or asbestos, and community groups exposed to chemical and physical agents in the environment;
- conduct and/or sponsor research related to problems of occupational exposure to hazardous agents and to evaluate the health status of exposed workers;
- monitor the use of radioactive materials insofar as the province has jurisdiction;
- conduct studies and research in the area of occupational safety, and act as a resource in matters relating to the safety of work procedures;
- assist in preparing contingency plans by providing technical support and planning for emergencies relating to nuclear generating stations.

Activities and services to meet the branch objective are conducted by four separate, but interrelated, services: Health Studies Service, Safety Studies Service, Radiation Protection Service and Radiation Protection Laboratory.

On March 31, 1986 the Special Studies and Services Branch had a complement of 72: Radiation Protection Service, 20, Radiation Protection Laboratory, 22, Health Studies Service, 18, Safety Studies Service, seven, and Administration, five.

1985/86 Activities

Health Studies Service

This service provides information and consultation, and carries out studies on the possible long-term health effects of various agents associated with industrial processes, and makes recommendations for levels of exposure in industry.

The service co-operates with other branches as well as with the Workers' Compensation Board, the Ministry of the Environment, the Ministry of Health, the Atomic

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Energy Control Board and other groups concerned with the health of workers and the effects of industrial pollution on the general community.

An important activity of the service is the preparation of health effects documents on chemicals either proposed for designation or under review by the Ministry of Labour. Six health effects documents were prepared in 1985/86.

Support for other ministries, particularly the Ministries of the Environment and Health, and for medical officers of health, includes the provision of advice on toxic effects, and establishing standards and guidelines for community groups exposed to chemical or physical agents in air, water or hazardous wastes. Thirty-one health criteria reports and exposure guidelines were prepared in 1985/86 for the Ministry of the Environment. Also, health advice was provided during emergency situations to the Ministry of the Environment.

Safety Studies Service

This service undertakes multidisciplinary investigations of factors that contribute to occupational accidents and diseases. Its staff includes six professionals representing engineering, ergonomics, biomechanics, applied physiology and psychology. This multidisciplinary approach allows insight into the short- and long-term effects of various actions, procedures, equipment and environmental factors in the workplace. Staff act in a consultative capacity for the line branches by preparing technical reports following work site investigations and by giving seminars on safety-related topics. Research objectives are formulated to provide information on applied problems in order to reduce occupational injuries and diseases within the province. The objectives are achieved through the combined use of existing information and self-initiated data collection. The information obtained is disseminated through the consultative role of the service, seminars and in published reports.

Some areas of study activity include commercial diving, manual materials handling, repetitive strain injury, shiftwork, heat stress, degenerative disease of the lumbar spine, physically disabled individuals and the ergonomic considerations of office work, including visual display terminals.

Particular activities of the service include:

- 67 work site investigations were conducted in 1985/86. Examples of such investigations include the safe lifting of objects, proper design and use of hand tools, occupational diving and office ergonomics;

• development of technical material related to window washing support systems, helping behaviour and safety were completed in 1985/86.

Seminars have been presented on:

• stress reduction;

• work physiology;

• ergonomics;

• ergonomic design of the office environment;

• heat stress;

• repetitive strain injury.

Radiation Protection Service

The service's responsibility is to protect the public from unnecessary exposure to radiation in working and living environments in the province's jurisdiction. In addition, all scientific and technical staff in the Radiation Protection Service perform key functions in the provincial nuclear off-site contingency plan, which would be put into effect in the event of an accident at a nuclear reactor facility.

Ongoing programs of the service during 1985/86 have been:

• safety inspection of X-ray installations in industry, educational institutions and veterinary practice (438 X-ray inspections, 68 plans checked for adequacy of radiation shielding);

• safety inspection of commercial microwave ovens (1,156 ovens checked for radiation leakage);

• on behalf of the Ministry of Housing, measurements of radon daughter concentrations occurring in newly constructed houses in Elliot Lake for compliance with a standard in O/Reg. 555/78 under the Building Code Act (747 houses rechecked);

• monitoring of 113 instances of high personal dosimeter readings;

• 114 safety inspections were made at 62 locations where some form of non-ionizing radiation was being used, including 145 radio frequency heat sealers and eight laser systems. A number of these locations were identified in a survey conducted in previous years;

• inspection on request of a number of locations for radioisotopic contamination;

• technical and operational planning for possible releases of radioactive material from nuclear power plants or transportation accidents involving radioisotope shipments;

• maintenance of a network of 82 environmental radioactivity monitors to assess the impact of a release from a reactor in Ontario or from U.S. reactors in close proximity to this province. Includes quarterly exchange

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and readout of detectors from 82 environmental monitors;

• *maintenance of environmental radioactivity data on* computer to allow rapid access to records in the event of a release from a nuclear installation.

• provide advice, information and assistance to industry, government agencies and the public on all aspects of radiation protection.

Work has continued in the development of new methods of measurement, evaluation of new instruments, construction of special instruments, maintenance and calibration of equipment and development of instrument calibration facilities with a view to more complete, reliable and faster evaluation of radiological hazards.

A final draft of a new X-ray Safety Regulation has been prepared. Investigation and assessment of new radiation hazards, particularly the various forms of non-ionizing radiation, has continued.

A first draft has been completed of a new regulation governing naturally-occurring radionuclides.

Radiation Protection Laboratory

This laboratory provides a capability for the analysis of a wide range of radioactive substances, and serves all provincial agencies charged with the responsibility for programs associated with the surveillance of uranium mining, milling and processing plants, nuclear reactors and other facilities that use radioactive isotopes.

The laboratory provides technical advice to provincial agencies and to industry on establishing or improving their analytical capability, on interpreting results and designing surveillance programs. Methodology development and improvement is a continuous process.

During the year, a total of 20,099 measurements were carried out for these various programs.

A breakdown of the measurements carried out on the various types of samples is shown in the following table:

Type of Samples Analysed During 1985/86

Type of Sample	No. of Measurements
1. Water	9,817
2. Air filter	5,193
3. Air filter extracts	841
4. Urine	1,983
5. Swipes	1,084
6. Milk	398
7. Soil and sediment	149
8. Precipitation	151
9. Tritium cells	197
10. Radon daughter counting equipment	77
11. Blood, hair, tissue	119
12. Air	14
13. Foodstuff	4
14. Radioiodine cartridges	23
15. Miscellaneous	49
Total	**20,099**

Work on the development of methodology included procedures for:

- measuring plutonium in river sediments;
- measuring nickel-63 swipes by liquid scintillation spectrometry;
- measuring lead-210 by using a planar hyperpure gamma detector;
- preparing thorium-234 tracer for use in thorium determination.

A total of 494 measurements of radionuclides in water samples were carried out to support the surveillance and monitoring requirements under the International Joint Commission's 1978 Great Lakes Water Quality Agreement. This activity has been completed and has been replaced by one to examine fish samples taken from uranium producing areas.

Inter-laboratory comparison measurements were carried out regularly during the year between the United States Environmental Protection Agency, the International Atomic Energy Agency and the Atomic Energy Control Board.

Standards and Programs Branch

Alan D. Heath
Director

The responsibilities of this branch are to assemble and analyse data on workplace hazards other than toxic substances, to co-ordinate the development of programs to control the exposure of workers to hazards in specific economic sectors, to provide training and development support services, to co-ordinate the development and evaluation of Occupational Health and Safety Division policies and programs on behalf of the executive director, to maintain the line branch data banks, and to provide word processing and publications support service.

On March 31, 1986 the branch had a complement of 65.

1985/86 Activities

During 1985/86 staff of the six units within the branch were engaged in activities related to the division's policies and programs, as follows:

Regulatory Initiatives and Development

- participated in the development of a Regulation for Health Care Facilities. The Health Care Occupational Health and Safety Regulation Development Committee was established for this purpose, and comprises labour and management representatives from the health care sector;
- revised the proposed Regulation for Underwater Diving to reflect comments of interested and affected parties. Prepared final draft of regulation for submission to cabinet;

Health and Safety

- chaired division standing committee that developed a proposed core regulation for extended coverage workplaces;
- participated in the development of the proposed Regulation respecting Window Cleaning;
- participated in the development of the proposed Regulation for Roll-over Protective Structures;
- participated in a review of the Regulation for Construction Projects;
- continued review of regulations addressing electrical hazards;
- developed guidelines and information/training materials for administration of isocyanates regulation in auto body shops;
- consulted with, and provided technical support to, fire fighters, fire chiefs and relevant agencies regarding development of regulations for protective equipment for fire fighters;
- participated in the deliberations of the Ontario Police Health and Safety Committee

Industry Sector Programming/Inspector Training

- co-ordinated and delivered to staff of the ministry, seminars and training materials on designated substances regulations made under the Occupational Health and Safety Act;
- developed video training programs on acrylonitrile, asbestos on construction projects, orientation to ministry and the introduction to the Mining Training Program;
- trained new Industrial Health and Safety Branch inspectors;
- continued to train Ministry of Labour inspectors in the administration of the Regulation respecting Protective Equipment for Fire Fighters and the Ontario Code for the Head Protection of Fire Fighters;
- co-ordinated development and presentation of training sessions for the Ministry of Labour Provincial Offences officers;
- delivered Act review seminars to Occupational Health and Safety Division staff and safety co-ordinators in Ontario government;
- participated on committees developing training strategies and personal protective equipment requirements for Ministry of Labour inspectors;
- developed and maintained program to provide ministry inspectors with information on chemical and other health hazards likely to be encountered during specific workplace inspections that have been scheduled. Emphasis is on precautionary measures that must be taken to protect inspectors and workers;

- continued to co-ordinate the revisions to the Operations Manuals for Industrial Health and Safety, Construction Health and Safety and Mining Health and Safety Branches;
- developed and distributed process flow sheets for processes in which the designated substances are used;
- represented the Ministry of Labour on the occupational Health Committee of the Canada Safety Council.

Engineering Controls and Surveys

- co-ordinated with Occupational Health and Safety Division line branches the plans for conducting engineering survey programs and preparation of necessary information considered for designation, including chromium, nickel, coal tar volatiles and cadmium;
- conducted engineering field surveys to evaluate the ability of industry to control exposures to hazardous substances considered for designation by means of engineering controls;
- developed and conducted arsenic training/counselling sessions for division field staff.

Program Analysis and Evaluation

- continued to assist in, and co-ordinate the development and preparation of, improving Managing By Results (MBR) objectives, indicators and measures for all program areas in the division;
- co-ordinated the development and preparation of the 1986/87 estimates planning submission for the Occupational Health and Safety Division;
- continued to provide planning support, specifically in terms of statistical data, to all staff in the division working on developing controls for toxic substances;
- assisted in the development of a report on the Designated Substances Enforcement Unit for presentation to Management Board of Cabinet;
- co-ordinated review of branch systems for information data from WCB Form 7s;
- completed feasibility plan proposal to convert the Establishment Company Files to microfiche;
- completed feasibility plan proposal to upgrade the word processing system;
- provided statistical assistance on special projects, such as health care workers and the development of improved prosecution statistics compilation;
- provided assistance to division branches for ongoing fiscal planning, budgeting review and workload issues;
- provided support to the office of the executive director in the ongong review and analysis of division positions, vacancies and salary dollars.

Health and Safety

Administration and Support Services

- continued to provide support to the line branches by: maintaining the editing, coding and processing functions of Inspection Reports, Notice of Projects and Employer's Report of Accidental Injury or Industrial Disease; maintaining the Industrial, Construction and Mining Health and Safety Branches' filing systems and providing information to the inspectorate for follow-up on inspections and investigations;
- continued to provide technical and administrative support to various units within the Occupational Health and Safety Division, the ministry and external task forces through the operation of a word processing centre;
- developed and maintained an inventory control system of division publications and forms used by the ministry inspectors.

Advisory Service

- continued to provide administrative support in the allocation of Provincial Lottery funds for manpower training and development, and applied research projects and student bursaries;
- continued to actively participate in the Small Firms Committee looking into the occupational health and safety needs of small business;
- participated in the Tri-Ministerial Advisory Committee on Occupational Health and Safety. The committee functions as an advisory body to the Ontario Council of Regents;
- provided liaison and consultation with Ontario ministries relating to education/training and matters pertaining to the Occupational Health and Safety Act;
- provided responses to inquiries from other jurisdictions relating to training, education and legislation;
- co-ordinated and staffed information displays and booths at conventions, conferences and public exhibitions;
- maintained close liaison with the provincial resource centres and organizations involved in training and education in occupational health and safety;
- participated in a committee developing teaching modules in occupational health and safety for delivery to secondary school students;
- participated in an educational committee developing video tape productions on school laboratory safety for use by teachers and students in Ontario secondary schools;
- conducted seminars and made in-class presentations to students in community colleges and secondary schools, as requested;
- delivered public presentations on the Occupational Health and Safety Act, as requested;
- continued to operate the occupational health and safety information line.

Policy and Programs

Dr. Alan D. Wolfson
Assistant Deputy Minister

The Assistant Deputy Minister of Labour Policy and Programs is responsible for the ministry's policy development activities and new legislative initiatives, and monitors existing programs and policies to determine their effectiveness. This includes overseeing the ministry's Policy Branch, which has a mandate to initiate, develop and co-ordinate policy activities as well as to co-ordinate and prepare ministerial correspondence and liaise with other ministries.

The assistant deputy minister is also responsible for the activities of the Employment Standards Branch, the Plant Closure Review and Employment Adjustment Branch, the Handicapped Employment Program, the Office of the Co-ordinator of French Language Services, the Office of the Employer Adviser and the Office of the Worker Adviser.

Employment Standards Branch

John Scott
Director

The Employment Standards Branch seeks to ensure that Ontario employers comply with minimum standards of employment for wages and working conditions, and to actively promote such compliance in order to achieve socially desirable terms and conditions of employment for the Ontario work force, relative to the following legislation:

- the Employment Standards Act
- the Industrial Standards Act
- the Employment Agencies Act
- the Fair Wage Schedules on contracts let by the provincial government.

The branch is organized into general and field administrative sections with a total staff of 156. The 156 positions include 73 field officers and resident auditors. Approximately 55 of the staff are based in regional offices located in Hamilton, Kitchener, London, Ottawa and Sudbury, and in various sub-offices.

1985/86 Activities

Employment Standards Act – General

The primary aim of the Employment Standards Act is to ensure that all employees, particularly those who are not organized, are protected with respect to minimum wages and working conditions.

The branch resolves claims made by employees and also conducts preventive inspections of selected employer populations across the province.

Through the distribution of publications, speaking engagements, special seminars conducted on employers'

premises and advertising, employers are encouraged to comply with the legislation on a voluntary basis.

General Inquiries and Information

The branch received 730,591 general telephone and letter inquiries, of which, 397,707 were handled by head office units, including the electronic telephone message system. The balance was handled by field staff. In addition, 29,210 personal interviews were dealt with.

About 200,000 copies of the Guide to the Employment Standards Act were distributed to members of the public.

General Inquiry and Information Activity

	1985/86	1984/85
Telephone Inquiries (Non-Claim) Handled		
– by staff	**625,204**	643,230
– by electronic message	**101,432**	83,384
Letter Inquiries (Non-Claim) Responded to	**3,955**	3,226
Personal Interviews Held	**29,210**	29,185
Total	**759,801**	759,025
Public Appearances and Employer Education Seminars Held	**176**	203
Number In Attendance	**4,948**	5,407

Investigative Activity

The branch registered 18,125 new claim files. Resolutions were achieved in 17,127 old and new cases for 21,546 claimants. The average time required to resolve a claim was 65 days, with 33 per cent finalized within 30 days of receipt. In addition, a limited number of preventive inspections were carried out.

As a result of the branch's investigative activity, $8,317,500 was collected on behalf of 21,811 employees. The average payment was $381 from a claim investigation and $372 from a preventive inspection.

Investigative Activity

	Claims Files		Preventive Inspections		Total	
	1985/86	1984/85	1985/86	1984/85	1985/86	1984/85
Workload:						
Pending from Prior Fiscal Year	**2,435**	2,002	**–**	–	**2,435**	2,002
Registered/Assigned	**18,125**	18,903	**102**	321	**18,227**	19,224
Total	**20,560**	20,905	**102**	321	**20,662**	21,226
Resolved/Conducted	**17,177**	18,091	**102**	321	**17,279**	18,412
Results:						
Number of Collections	**10,953**	11,657	**26**	56	**10,979**	11,713
Employees Benefited	**21,546**	23,768	**265**	781	**21,811**	24,549
Amount Collected ($000's)	**8,218.8**	9,226.7	**98.7**	445.1	**8,317.5**	9,671.8
Outstanding End of Fiscal Year	**2,939**	2,434	**–**	–	**2,939**	2,434

Appeals and Hearings

The Employment Standards Act provides for a review of an order made against an employer by an employment standards officer. The appeal is heard by a referee

Policy and Programs

selected from a panel of referees appointed by the minister.

In fiscal year 1985/86, 283 applications for review were resolved.

A referee may also be appointed by the director to hold a hearing into situations where the director is of the opinion that an act has been committed or an agreement or arrangement has been made to defeat the purpose of the Employment Standards Act. Such hearings were held in 13 cases.

Appeals (Section 50)	1985/86	1984/85
Pending from Prior Fiscal Year	**180**	166
Intake	**243**	282
Results		
Order Confirmed	**155**	113
Employer Upheld	**35**	33
Order Varied	**48**	49
Settled Before Hearing	**45**	73
Total	**283**	268
Outstanding End of Fiscal Year	**140**	180

Hearings (Section 51)	1985/86	1984/85
Pending from Prior Fiscal Year	**11**	12
Initiated	**15**	11
Results		
Employer Found In Violation	**4**	6
Employer Found In Compliance	**5**	4
Settled Outside of Hearing	**4**	2
Total	**13**	12
Outstanding End of Fiscal Year	**13**	11

Court Action	1985/86	1984/85
Prosecutions Finalized	**39**	7*
Section 54 Certificates Filed	**169**	221
Section 59 Court Orders Filed	**–**	–

Permits	1985/86	1984/85
Overtime Permits – Total	**596**	683
100 Hour	**435**	374
Special	**161**	309
Handicap Work Permits	**73**	76
Homeworker Permits	**141**	125

Working Conditions and Analysis

Analysis and research on labour policy and program issues that are directly related to minimum employment conditions is performed by the Working Conditions and Analysis Unit of the branch.

Collections by Standard

	Amount Collected $		No. of Collections by Individual Standard		Employees Benefited Financially by Individual Standard	
	1985 /86	1984 /85	1985 /86	1984 /85	1985 /86	1984 /85
Minimum Wage	**101,892**	116,613	**341**	484	**696**	1,264
Overtime	**945,107**	990,934	**1,162**	1,161*	**3,161**	3,932
Public Holidays	**332,347**	248,036	**713**	711	**1,982**	2,090
Vacation Pay	**2,604,620**	2,858,154	**7,968**	8,565	**15,893**	17,433
Equal Pay for Equal Work	**97,180**	402,657	**34**	29	**62**	353
Benefits	**12,659**	2,754	**9**	12	**9**	17
Pregnancy Leave	**20,205**	32,181	**15**	18	**15**	18
*Lie Detector	–	–	–	–	–	–
Termination Pay	**1,532,700**	1,978,508	**2,469**	2,809*	**3,032**	3,686
Benefits During Notice Period	**4,779**	3,435	**15**	16	**18**	43
Severance Pay	**561,019**	850,492	**17**	15	**212**	516
Collection of Wages	**2,101,745**	2,144,617	**5,111**	5,450	**7,722**	7,668
Fair Wage on Gov't. Contracts	**3,030**	43,472	**5**	11	**8**	86
Industrial Standards	**258**	–	**2**	–	**2**	–
Total	**8,317,541**	9,671,853	**17,861**	19,279*	**32,812**	37,106

*Revised

Agricultural Industry Advisory Committee

This committee advises the Minister of Labour on matters relating to the application of employment standards legislation to agricultural workers, and the development and modification of employment standards appropriate to the agricultural industry. The committee is composed of representatives of farm owners and farm workers, who meet on an 'as needed' basis.

Industrial Standards Act

The Industrial Standards Act permits employees and employers to jointly request a schedule of working conditions for their particular industry. When a schedule has been prepared and accepted by both groups and has been approved by the ministry, those working conditions set out in the schedule become the standard for that industry or trade in a designated zone.

The schedules made under the Industrial Standards Act are administered by an advisory committee consisting of representatives from labour and

Industrial Standards

	1985/86	1984/85
Number of Active Schedules	**4**	4
Number Updated	**–**	–
Number Covered by Schedules		
Employers	**400**	400
Employees	**8,300**	8,300

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management. All matters are subject to the approval of the director of the Employment Standards Branch.

Employment Agencies Act

The purpose of the Employment Agencies Act provides for the licensing and regulation of all of Ontario's employment agencies. 'Employment Agency' is defined, in part, under the Act, as the business of procuring for a fee, reward or other remuneration, persons for employment or employment for persons.

There are about 880 agencies under four different classes in Ontario.

Apart from the licensing process, the branch reviews the agencies' operating practices on an individual or class by class basis.

Employment Agency Licences

	Initial		Renewal		Total	
Class	1985/86	1984/85	1985/86	1984/85	1985/86	1984/85
A	**162**	128	**682**	664	**844**	792
B	**1**	1	**9**	10	**10**	11
C	**1**	–	**2**	1	**3**	1
D	**7**	2	**15**	15	**22**	17
Total	**171**	131	**708**	690	**879**	821
Revenue					**$173,150**	$167,350

Fair Wage Schedule on Government Contracts

The Fair Wage Schedules ensure fair labour rates for employees working on government projects in the construction, building cleaning, and security industries, and protects contractors from unfair competition based on reduced labour costs when bidding on government contracts.

Before tenders are invited for specific projects, a government ministry must obtain guidelines from the Employment Standards Branch on the minimum wage rates for each job classification and the maximum hours of work. This year there were 752 contracts that included fair wage rates for a total value of $295,886,741.

Fair Wage Schedules

	Number		Value ($)	
	1985/86	1984/85	1985/86	1984/85
Schedules Included in Contracts Let by Provincial Ministries				
Construction	**624**	586	**289,178,639**	266,616,900
Building Cleaning and Security	**128**	206	**6,708,102**	10,044,187
Total	**752**	792	**295,886,741**	276,661,087
Schedules updated	**56**	54	**N/A**	N/A

Plant Closure Review and Employment Adjustment Branch

Robert D. Joyce
Special Advisor to the Minister

Harry N. Shardlow
Director

The Plant Closure Review and Employment Adjustment Branch supports the government's initiatives on layoffs and plant closures and carries on the activities of the former Employment Adjustment Service.

The branch's mandate is to:

- become aware of any announced or impending plant closure or major reduction of operation as soon as possible;
- make contact with companies considering closure, and also with the employee representatives or unions;
- obtain information about the closures and to advise the government on the possibility of maintaining the operation;
- attempt where the closure is unavoidable to resolve any disagreements concerning termination rights and benefits;
- co-ordinate the involvement of other provincial agencies.

Other ongoing activities of the branch include:

- monitoring layoffs and terminations;
- exchanging information and maintaining contact with other provincial and federal government agencies;
- advising employees and employers of the requirements of the termination legislation;
- assessing the need for, and participation in, the establishment of adjustment committees.

The branch's Employee Counselling Program provides employees affected by permanent job loss (especially due to plant closures) with professional assistance in the areas of job search techniques, career assessment, access to retraining, retirement counselling, financial counselling, and so on.

The program is primarily aimed at assisting victims of large-scale permanent job loss resulting from the closure of their employer's place of business, although the program is also offered in selected non-closure situations involving permanent job loss.

The program comprises both group and individual counselling sessions that normally take place over a one-week period. In a very large situation, several groups can be handled concurrently using a staff of counsellors.

The programs are delivered by the staff of the community college in the area in which the closure occurred and, although all programs follow a similar

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format, each one is tailored to the needs of the employees involved.

The branch also works closely with the Industrial Adjustment Service of the Canada Employment and Immigration Commission. The Ministry of Labour is a financial contributor to manpower assessment and incentive agreements, which support employee adjustment committees in layoff and closure situations (see following table summarizing the statistics concerning the terminations and the use of these committees). The committees consist of employee and management representatives and an independent chairman. Their role is to assist employees affected by large-scale terminations to become re-employed.

The branch has five full-time staff.

1985/86 Activities

Statistics on Terminations

	1985/86	1984/85
Termination Cases Involving 50 or More Employees		
Cases: Full Closures	**50**	43
Partial Closures	**19**	13
Reduced Operations	**42**	61
Totals	**111**	117
Employees: Full Closures	**7,345**	4,917
Partial Closures	**2,208**	1,834
Reduced Operations	**5,130**	8,010
Totals	**14,683**	14,761
Manpower Adjustment Committees		
Committees Established	**64**	66
Employees Terminated in Cases Where Committees Were Established	**8,346**	9,457
Financial Commitment	**$75,310**	$61,575
Counselling Program		
Programs Established	**25**	22
Employees Counselled	**1,100***	900

*Estimated

Handicapped Employment Program

Janette Higgins
Manager

The Handicapped Employment Program promotes equal opportunity by developing strategies to increase the hiring, retention and career advancement of people who have disabilities.

HEP has a complement of eight permanent staff, including one manager, four consultants, two information clerks and one clerk/stenographer. Several youth employment programs were utilized during 1985/86 to support the program's goals.

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1985/86 Activities

HEP facilitates positive change and stimulates employer action and community activity through:

Employer Consulting and Small Business Advice

HEP assists employers to develop programs to encourage the recruitment, retention and promotion of disabled people by offering conferences, workshops and consulting services, as well as advice and assistance, tailored to the specific needs of small business.

During 1985/86 HEP maintained involvement with 224 employers and several employer associations across the province. Fifty-eight of these employers are deemed to be implementing full employment equity or affirmative action programs for people with disabilities. The balance (166) have demonstrated varying levels of commitment to equal opportunity for people with disabilities.

HEP developed a number of publications for employers this past year. A draft of a publication entitled *What it Takes: Planning an Employment Equity Program for People with Disabilities* was circulated among different employer groups and organizations for their comments and suggestions. In addition, employer guides on learning, psychiatric and developmental disabilities have been developed.

Support to Community Initiatives

At a community level, HEP provides consultation in the development of planning committees and community councils and connects employers to local sources of expertise.

1985/86 saw HEP actively involved in 15 communities province-wide, where the focus of a variety of conferences, seminars and other local activities was directed towards increasing employment opportunities for people with disabilities. Major events, co-sponsored by the program, were held in Waterloo, Barrie and Sarnia. During 1985/86 HEP was represented on 16 ongoing committees as well as four active community councils and four community planning committees.

Co-operative Initiatives with Organized Labour

HEP develops information strategies in partnership with organized labour and facilitates union/management discussions to promote co-operative solutions to the employment problems of people with disabilities. This includes issues around the retention of injured workers and job opportunities for disabled people entering the work force.

The program is working with 10 labour organizations in support of their initiatives.

Employment-Related Resources for Educators

Educators offer major support in the preparation of job-ready graduates who have disabilities. HEP offers awareness seminars for educators, including boards of education, colleges and universities, concerning employment-related issues. The program has an ongoing

working relationship with 15 educational groups, province-wide. The program's *Educator* kit was revised this year.

Health and Rehabilitation Professional Networking

Health and rehabilitation professionals assist in the integration of disabled persons into the work force. HEP sponsors research and discussion papers, model building and networking in support of professional activities related to rehabilitation and employment.

To reinforce employment-oriented linkages, HEP is working with 17 health and rehabilitation professional groups and 30 service agencies across the province. In 1985/86, in addition to updating the Health Professional Kit, the program published *Resources for Professionals Working with People with Disabilities*, a joint effort of the program and the Shared Perspectives Interest Group, one of the professional groups with which the program works.

Initiatives with Consumer Organizations

Consumer organizations represent people who have disabilities and offer insight into specific issues of concern. HEP gains input from this community on materials it develops and initiatives it takes. HEP also co-sponsors special events with consumer groups and other initiatives related to employment.

To maintain links with the community of disabled persons, HEP worked with over 20 consumer groups during 1985/86.

Advice to Job-Seekers

Disabled job-seekers want independence through employment as members of the work force. HEP offers referral to community resources and advice to job-seekers who are disabled about effective strategies to access the current labour market.

Throughout 1985/86 HEP provided 372 résumés to the ministry's Human Resources Branch. Utilizing a networking system, information officers responded to employer requests for disabled employees by referral to potential placement sources and/or informing job-seekers individually. Offices also assisted and/or advised 232 disabled persons.

A major initiative this year was development and publication of *Taking Aim: Job Search Strategies for People with Disabilities*. The publication was launched in Toronto in March and has attracted considerable interest and attention. In addition, the *Job-Seeker* kit was revised and translated into French.

Resource Centre

HEP offers information and resource materials, promotional and educational tools, plus display units accompanied by program staff at province-wide events. The resource list was considerably revised this year, and a new brochure describing the overall role of HEP was developed and published.

During 1985/86 HEP provided 1,286 kits, 9,786 brochures and 7,454 pieces of other promotional

materials to its client groups. In addition, the program gave out hundreds of promotional buttons, bookmarks and information carrier bags at conferences workshops seminars and trade shows. Films and videos were lent 63 times. HEP participated in, and disseminated information at, 78 province-wide events. Several thousand companies have received materials, and many have had specific questions answered over the telephone and in person.

Office of the Co-ordinator of French Language Services

Stéphane Grenon
Co-ordinator

Since September 1981, the Co-ordinator of French Language Services has been a full-time position reporting to the Assistant Deputy Minister, Labour Policy and Programs.

The co-ordinator assists francophone groups, other organizations and the public at large with information about the ministry programs and services. He assists ministry managers in the implementation of the ministry's French language services policy. The co-ordinator also sits on an interministerial committee of co-ordinators of French Language Services, chaired by the executive director of The Office of Francophone Affairs.

The Office of the Co-ordinator of French Language Services has a complement of two: one co-ordinator and one secretary.

Policy Branch

Douglas G. Gilbert
Director

The Policy Branch develops, co-ordinates and provides analytical support for policy activities in the ministry. It is responsible for conducting basic research and preparing policy documents required in the policy development process. The branch monitors issues arising from the administration of ministry programs and legislation and acts as a liaison with other ministries and government agencies.

The analytical work carried out in the branch is focused on both the socio-economic and legislative implications of ministry policies and programs. It covers the identification and analysis of trends in the labour market generally, including changes in the level and composition of employment, changes in the workplace and developments in the collective bargaining field. In addition, the branch is responsible for addressing issues and problems that arise under the ministry's employment standards, collective bargaining, human rights and workers' compensation legislation.

The Policy Branch has a complement of 11 professional and six clerical and support staff.

Office of the Worker Adviser

Odoardo DiSanto
Director

The Office of the Worker Adviser (OWA) came into existence on October 1, 1985 as a result of amendments to the Workers' Compensation Act, which represented a comprehensive plan to change the administrative, appeal and policy-setting components of Ontario's workers' compensation system.

One of the cardinal principles of the amendment was that the OWA was to be independent of the Workers' Compensation Board, and it was therefore established as a branch of the Ministry of Labour. The legislation entrusts the office with a broad mandate: to assist and advise any person who is, or who has been, a claimant for benefits under the Workers' Compensation Act.

This mandate has evolved into four elements, which are the key objectives of this office. They are:

- advising injured workers of their rights under the Workers' Compensation Act so that they will be able to represent themselves at the operating levels of the WCB;
- representing injured workers, where necessary, at the appeals tribunal and beyond;
- working with labour and injured worker groups, MPPs and other organizations representing injured workers to support them in their representation work;
- identifying operational problems in workers' compensation that may require changes in practices or policies.

The complement of the branch for 1985/86 was 42 positions organized into four distinct units: the director's office, the Toronto Advisory Unit, the Regional Advisory Unit and the Research and Special Services Unit.

1985/86 Activities

Because this is a newly-formed branch, the focus of the operation from October 1 to March 31, was necessarily on establishing the basic advisory and representation service. To accomplish this, four permanent offices have been opened, and the office is utilizing another six temporary locations, soon to become permanent, to provide the service throughout the province.

The Toronto Advisory Unit, which is responsible for providing service to the area of Central Ontario, including Metropolitan Toronto, is accommodated in offices in Weston, Scarborough and downtown Toronto. During this period 2,160 cases were initiated in these offices and 1,211 were completed.

The Regional Advisory Unit, which is responsible for providing service to the remainder of the province, is operating from offices in Windsor, London, Kitchener, Hamilton, Ottawa, Sudbury and Thunder Bay. This unit saw 2,426 cases initiated and 965 completed over the same period.

Policy and Programs

For the Research and Special Services Unit, some of the important initiatives of the first six months include the following:

Analysis of Workers' Compensation Appeals Tribunal Procedures

Various aspects of these procedures were studied, including the setting of hearing dates, disclosure of workers' files, role of tribunal counsel, procedures at hearings and the use of legal precedent.

The result of this study was a very fruitful process of discussion between this office and the appeals tribunal with the OWA participating in the advisory group to the tribunal.

Permanent Disability Evaluations

A core concern of the labour community is the method of evaluating and compensating for permanent disability. The interpretation of the key pension provision of the Workers' Compensation Act, s.45(1), and the use of the WCB's rating schedule have been matters of debate for some time. A major priority of the OWA has been analysing WCB policy in this area, and, in particular, as an intervener in the WCAT leading case on pensions, proposing alternatives. On March 31, 1986 the leading case was continuing.

Compensation for Temporary Partial Disability

A number of important issues have arisen around s.40(2) of the Workers' Compensation Act, which deals with compensation to temporarily partially disabled workers. Particularly, there is the question of whether there is any requirement for proof of the availability of suitable work. The OWA initiated a study of this issue and agreed to participate in the WCAT leading case on s.40(2). On March 31, 1986 this case was continuing.

Office of the Employer Adviser

Jason E. Mandlowitz
Director

The Office of the Employer Adviser was created on October 1, 1985, by an amendment to the Workers' Compensation Act, to assist employers in their dealings with the Workers' Compensation Board (WCB) and the new Workers' Compensation Appeals Tribunal (WCAT).

The office's objectives are to:

- provide employers in Ontario with a voice within the Workers' Compensation Board (WCB) and Workers' Compensation Appeals Tribunal (WCAT) claims review and appeal procedures;
- acquaint employers with the full range of WCB practices and to educate employers on board operations;
- provide employers with an address to access practical assistance on WCB-related problems and questions; and
- communicate employer WCB concerns to the proper administrative authorities.

The office helps to provide a more independent appeals and claims review system in Ontario. The office assists employers of all sizes in all locations across the province to access the WCB and to understand its procedures, policies and statutory operating conditions. The office handles a broad spectrum of issues, ranging from a referral of an employer to the WCB on a matter of policy or interpretation, to referral to a safety association to consider accident prevention, to presenting a case on behalf of, and with, an employer before the WCB hearing process or the WCAT. The office is also mandated to input directly into the public policy making process and to act as an advocate within both the WCB system and the Ministry of Labour on behalf of employers.

The office is mandated under section 86(r) of the Workers' Compensation Act and is a branch of the Ministry of Labour.

This branch reports to the assistant deputy minister, Labour Policy and Programs and assists employers by:

- providing information on general WCB policy and procedures, including claims review, rehabilitation, etc.;
- providing interpretations of the Act and regulations;
- helping to prepare appeals for the WCB and the WCAT;
- appearing with employers at WCB and WCAT hearings;
- advising employers on assessment, reclassification and collection issues; and
- referring employers to existing services.

Employers contact the office to:

- prepare a challenge to a WCB decision;
- obtain advice on late penalty charges and all penalty assessments;
- initiate cost transfer claims due to third party liability;
- arrange meetings with the WCB to consider assessment issues;
- prepare for a hearing at the WCB or the WCAT.

The office has a staff of eight, including a director; an administrative assistant; two support staff and four employer advisors.

1985/86 Activities

The office was open for six months in 1985/86 and proviced assistance to approximately 750 employers. Of these, about 55 per cent were from Metropolitan Toronto and area. Another 25 per cent were from Southwestern Ontario. Fifteen per cent came from Northern Ontario and another 15 per cent came from Eastern Ontario.

By sector, the office client group was 40 per cent from construction, 30 per cent from manufacturing and processing, 10 per cent from each of service and transportation, and 10 per cent from others, including Schedule 2 employers.

Policy and Programs

The great majority of employers were small businesses. Eighty per cent of clients had fewer than 50 employees. Ten per cent had 50 to 100 employees and 10 per cent had more than 100 employees.

The major demand sources by city were: Metropolitan Toronto, Kitchener-Waterloo, Ottawa, Sudbury, Windsor, Sault Ste. Marie, Hamilton and London.

Recruitment and Staffing

Job specifications for the eight available positions were prepared; competitions were held for contract-level positions and recruitment completed. Full-time civil service permanent position competitions were undertaken.

Location

A full-time office was located and established at 101 Bloor St. West, 5th Floor. Start-up included construction of some new offices for classified staff, organization of an operational support system, including filing and budget/administrative systems. The Toronto office was equipped with a toll-free, province-wide telephone line to allow employers out of Toronto direct access to service.

Communications/Demand Outreach

The director co-ordinated a long-term communications strategy based on public speaking engagements, media relations and the use of business press/trade journals to introduce clients to the new office. A brochure was prepared to highlight service, with an initial run of 5,000, leading to a subsequent demand for 85,000. A mailing list of over 150 business associations was compiled for direct contact. The director undertook more than 30 speaking engagements. The office, in response to client demand, developed an information session in a training format, providing employers with knowledge of WCB policy and procedures. Sessions were held in Timmins, Ottawa, Kitchener and Toronto. Trips to meet, and service, clients directly were taken to Ottawa, London, Kitchener, Cambridge, St. Catharines, Niagara Falls, Welland, Peterborough, etc.

Advocacy

The office has contacted the WCB and the Ministry of Labour on a number of policy issues, including: notification in writing to employers; employer notification of accident procedures; use of alternative/light duty work; claims management procedures; proposed administrative changes for the WCB; etc.

Currently, the office has returned about $1.4 million in direct savings to Ontario employers. Put another way, for every dollar it takes to operate the office, seven dollars in direct savings to the employer have been returned.

Administration

M. Rodrigues*
Director

The Finance and Administration Division is responsible for providing administrative support for the operating branches of the ministry. The support activities consist of accounting services, administrative operations, communications, internal audit, management planning, personnel, and data processing systems.

Management Planning Branch

D. Destonis
Director

The Management Planning Branch is responsible for providing a complete range of management services to executive and program managers at the ministry with particular regard to:

i) financial planning and analysis, including the co-ordination of the annual resource allocation and estimates process, Managing-by-Results reporting and the implementation of government-wide management improvement initiatives;

ii) human resources planning and development of related ministry policies and systems;

iii) information systems and office automation planning and development;

iv) liaison with government central agencies, particularly Management Board Secretariat, regarding formal submissions to Management Board of Cabinet.

1985/86 Activities

In 1985/86 the groundwork was laid to optimize efficiencies through a consolidation of the three Management Planning units (Financial, Human Resources and Systems) with their respective operational branches. The reorganization will be effective April 1, 1986.

Accounting Services

A.H. Ganesh
Manager

Accounting Services is responsible for satisfying the ministry's and central agencies' requirements as expressed in the statutes, regulations, policies and other directives for financial visibility, control and accountability through the operation and maintenance of efficient and effective financial systems. It exercises shared controllership with Treasury and Management Board by ensuring the consistent application of Ontario government accounting principles, policies and controls.

In addition, it provides ongoing financial, advisory, monitoring and consulting services to management,

*M. Rodrigues was appointed executive director September 23, 1985.

employees, clients and suppliers of the Ministry of Labour.

Its responsibilities are carried out by a staff of 32 employed in five functional areas:

Administration

Provides ongoing accounting and financial advice to ministry management and oversees and monitors overall control of financial activities and compliance with financial and administrative policies.

Budgetary Control and Financial Reporting

Integral to the control and management of the cash resources are the systems for forecasting, timely recording and effective monitoring of the movements of all revenues and expenditures. This section also has prime responsibility for the preparation of accurate and relevant reports as required by the central agencies and the Ministry of Labour.

Revenue and Accounts Receivable

This section is responsible for ensuring that money received is safeguarded and deposited intact and is reported promptly to Treasury.

It also administers the Accounts Receivable System to ensure the efficient collection of revenues.

Accounts Payable

This section administers the systems for payment of suppliers' invoices, employees' expenses and other internal financial transactions.

Payroll

This section is responsible for the accurate, timely and proper processing of the ministry's payroll and related employee benefits.

1985/86 Summary of Expenditures and Revenues

$000s	General Expenditure	General Revenue
Ministry Administration	12,957	369
Industrial Relations	7,478	30
Occupational Health and Safety	38,496	9,032
Employment Standards	7,521	321
Manpower Commission	–	–
Human Rights Commission	5,434	1
Labour Relations Board	5,107	60
WCAP	880	108
Credits	–	193
Total	**77,873**	**10,114**

Administration

Personnel Branch

N.E. Mayne
Director

The role of the Personnel Branch is to provide a variety of human resource management services for all areas of the ministry. These services include staffing, compensation and staff relations, training and staff development and employee counselling as well as the related processing and records maintenance functions.

The branch operates under the authority of the Public Service Act and regulations, the Crown Employees Collective Bargaining Act and the Collective Agreement and is responsible for their administration.

Each section of the branch is responsible for a specific set of ongoing activities:

Staffing

Responsibilities included assisting managers' programs to meet their human resource requirements through handling the competition process or recommending alternatives.

Compensation and Staff Relations

This section is responsible for all aspects of wage and salary administration, including job evaluation, organizational structuring and the provision of advice to management and employees on the compensation process. This section is also responsible for the ministry's staff relations program, including administration of the Collective Agreement, grievance resolution and consultation with management and staff on industrial relations matters, and co-ordination of the ministry's Employee Relations and Health and Safety Committees.

Staff Development and Training

This section is responsible for the ministry's training, development, career planning and performance appraisal programs.

Employee Benefits

This section is responsible for administering the ministry's benefits program and conducting the ministry's annual pre-retirement program.

The Personnel Branch had a complement of 19 during 1985/86.

1985/86 Activities

Staffing

Specific staffing actions in 1985/86 included hiring for new program areas of Offices of the Employer and Worker Adviser. Also, recruitment for two temporary programs in Human Rights and Employment Standards were necessary to reduce the backlog of case files.

The special programs administered by this section afforded 526 participants the opportunity to enhance their job skills and experience. Placements included:

Summer students – (Experience '85)	268
Summer students – ministry paid	60
Youth Corps	56
Students Training in Industrial Relations (STIR)	34
Work Week students (high school)	49
Secondary school Co-op	44
Handicapped Work Stations	10
Ontario-Quebec Student Exchange	5
Total:	526

Compensation and Staff Relations

Three new organization units were established in the ministry: Office of the Worker Adviser, Office of the Employer Adviser, and the Workers' Compensation Appeals Tribunal.

The establishment of these three branches required new organization charts and a considerable number of position specifications.

A re-design of some of the branches in the Finance and Administration Division was also completed, affecting Human Resources, Accounting Services, Information Systems and Management Planning.

Additionally, the Designated Substances Enforcement Unit was established in the Occupational Health and Safety Division.

The major focus for the Position Administration section is the implementation of the Office Administration Group, affecting approximately 300 bargaining unit positions in the ministry.

The section also continued to participate in the training of cross-assigned staff from the central agency.

Continued participation in the Staff Relations Supervisory Courses provided the opportunity to work with line managers on staff relations issues.

Management and staff were also provided with the ongoing interpretation of the Collective Agreement and consultation on staff relations issues.

Staff Development and Training

Significant new initiatives for the section in 1985/86 included the following:

1. The expansion of the word processing training centre.

2. The development of a computer-based video training program on attendance improvement.

3. The initiation of a major survey on the ministry's performance appraisal program.

In addition, the section continued its regular involvement in in-house, CSC and external courses.

Employee Benefits

This section continued to be heavily involved in counselling and administration related to employees buying back previous pension service. Other major activities included employee counselling, benefits administration, District Office workshops and the annual pre-retirement program.

Administration

Systems and ADP Branch

J. Collins*
Acting Director

The branch objectives are to:

- provide clients with system development services and procedures that will meet their needs in providing or improving program delivery in keeping with existing policy and legislation;
- provide an up-to-date, organized and supported approach to meet the ministry's information needs;
- provide a consistent corporate data resource for sound decision making and program management
- provide a technical environment ensuring:
  - client involvement and accountability;
  - technological compatibility and flexibility;
  - high level of services;
  - future growth.

The Systems and ADP Branch provides service to all program managers requiring systems development services. The branch is currently in the process of upgrading its services to meet ministry demands for access and use of information technology resources.

Activities provided include:

- consultative services regarding concepts, technical feasibility and cost/benefit analysis;
- scientific and research applications for studies and surveys requiring evaluation and statistical analysis in the fields of occupational health and safety, labour relations, work force activity and collective bargaining;
- commercial systems involving management information on activity and control of various program managers' systems, including accounting and personnel applications;
- office automation.

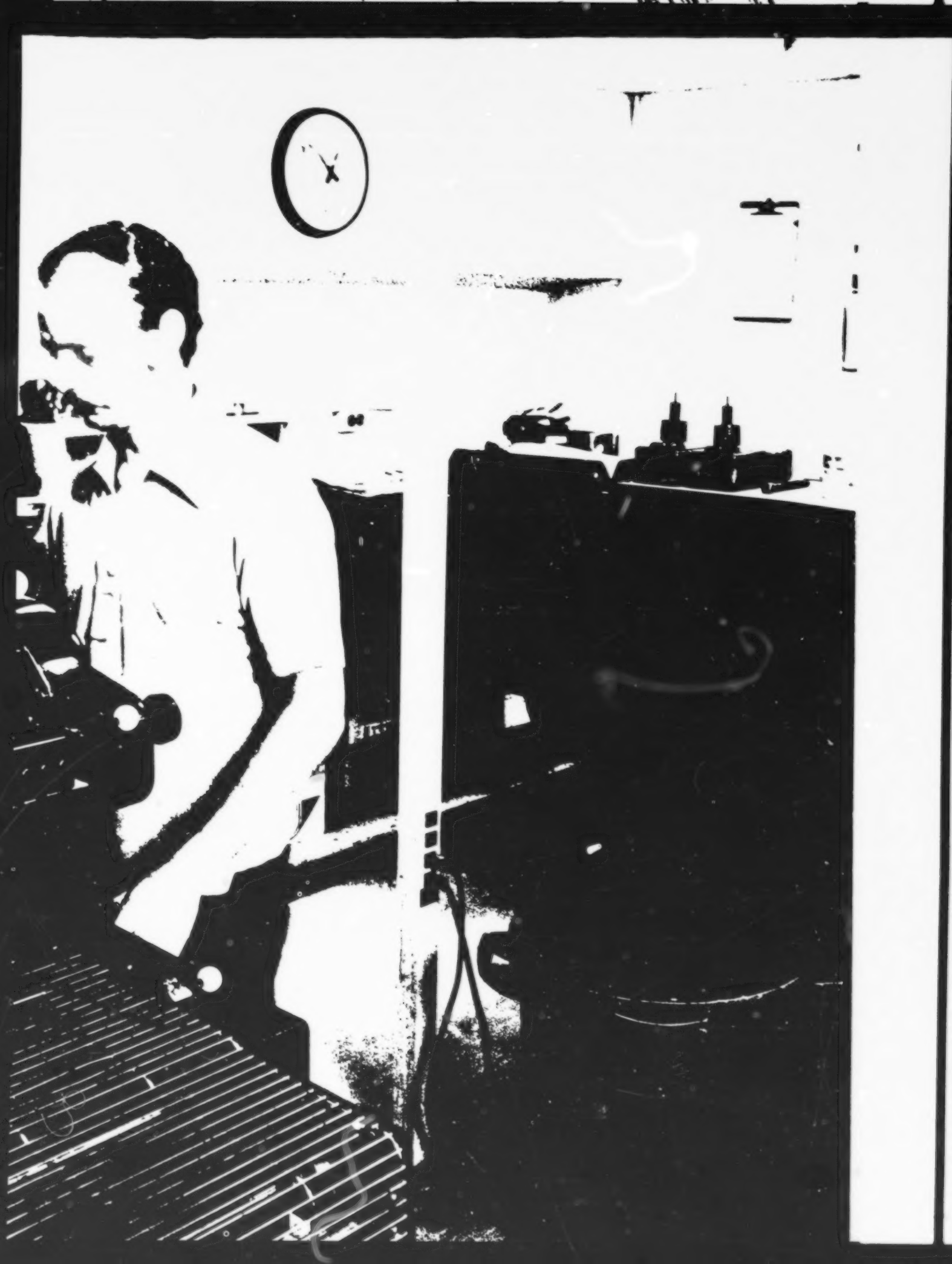
The branch complement for 1985/86 was 29.

1985/86 Activities

Development, maintenance and data processing commitments were active in 1985/86 in the following divisions:

- Finance and Administration
- Industrial Relations
- Occupational Health and Safety
- Employment Standards

*J. Collins was appointed acting director December 2, 1985



Administration

- Ontario Human Rights Commission
- Ontario Labour Relations Board
- Legal Services Branch

1985/86 resulted in the receipt of:

- 382 client work requests
- 366 actioned and completed
- 16 in progress or backlog

Administrative Operations Branch

R.R. Hogarth
Director

The Administrative Operations Branch provides administrative support services to the ministry's line and staff operations in the head office, 18 district and field office locations, including nine Mining Health and Safety Branch offices located throughout the province, and two full-scale laboratories.

Support services provided include records management, purchasing, inventory control, warehousing and supply, reprographics, mailing, office accommodation and transport.

Branch complement in 1985/86 was 109.

1985/86 Activities

Records Management

The primary objectives of this program are to ensure economy and efficiency in the creation, maintenance, retrieval, storage and disposition of ministry records, and in the creation, design and use of ministry forms.

Consultative services provided by this section include:

- development and implementation of records schedules;
- file classification plans;
- filing systems and equipment needs;
- forms analysis and design.

Copy Centre

The ministry operates an in-house reproduction centre that services the short-run printing and bindery needs of the branches, boards and commissions operating from the headquarters and district office locations. The present output of this unit is up to 1,500,000 impressions each month on a variety of equipment and in a wide range of formats.

Purchasing

The ministry centralized Purchasing Office is responsible for acquiring the wide range of goods and services required by various programs. Needs range from basic office requirements to sophisticated analytical laboratory equipment.

Internal Audit Branch

D.A. Anderson
Director

The purpose of the Internal Audit Branch is to perform an independent review of ministry and agency operations (excluding Workers' Compensation Board), on behalf of the deputy minister. These reviews encompass an appraisal of financial transactions, systems and controls as well as economy and efficiency of operations and existence of an appropriate management process to enable evaluation of program effectiveness.

At the end of the fiscal year the branch had a complement of seven.

1985/86 Activities

During the 1985/86 fiscal year, audit activity was restricted to special requests for assistance in a consultative and/or investigative capacity, and assumption of administrative duties in other areas of the ministry.

Communications Branch

R.I. Cohen
Director

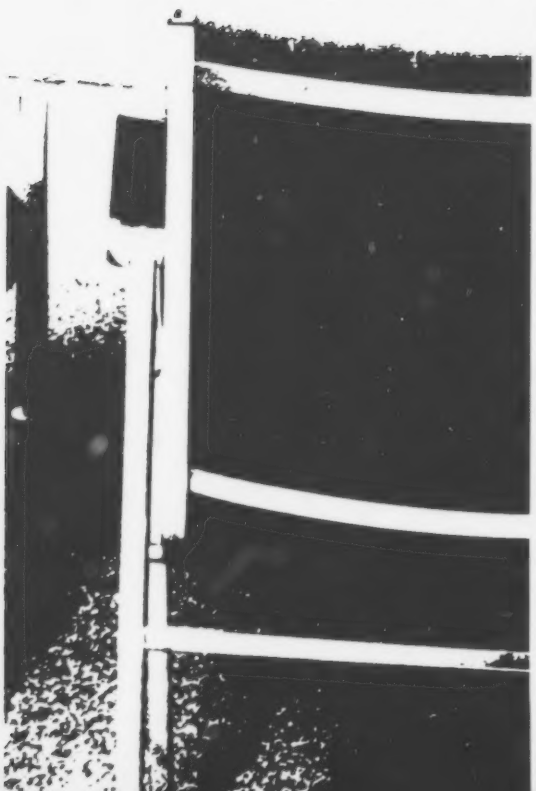
This branch administers ongoing communication between the ministry and its various publics about the ministry's mandate, programs, policies and people.

In fulfilling this mandate, branch staff identify communication needs and develop information programs to help meet these needs. Branch staff advise on the communication implications of ministry policies, programs and initiatives. Staff prepare speeches, news releases, pamphlets, brochures and other printed material, exhibits and audio-visual aids. In addition, the branch handles ministry advertising and, each year, answers more than 3,500 telephone inquiries.

At the end of the fiscal year, the branch had a complement of 11.

1985/86 Activities

Thirty-one news releases were issued and over 2,000 media telephone inquiries were answered. A notification program concerning designated substances was continued. As an extension of the media relations functions, the District Media Liaison Representative System, by which an officer in each district office acts as liaison between the local media and the ministry, continued. Seven journalism students were placed with media sponsors for a 13-week period of on-the-job training with news media sponsors. Entitled Experience '85, this project was funded by the Ministry of Skills Development and administered by the Ministry of Labour.



Administration

The branch edited and produced 65 new brochures and other publications, revised a further 20 and reprinted 52 others.

Ministry Library

Sandra A. Walsh
Manager

The Ministry Library is one of the major collections in its subject areas in Canada. With a unique collection of 70,000 books and reports, 1,500 journal titles and 412,000 microforms, the library provides in-depth coverage of all major issues in the areas of industrial relations, occupational health and safety, manpower, quality of working life, human rights and discrimination, employment standards, women's issues and issues relating to persons with handicaps. The library serves ministry clients, professionals in the various subject areas, students and the general public.

The library is staffed by six professional librarians and 10 paraprofessionals.

1985/86 Activities

The library responded to 5,554 reference inquiries from ministry staff and non-ministry clients and completed 930 subject searches for ministry staff on 12 online information retrieval systems. Staff indexed 7,639 periodical articles and filled 15,050 requests for copies of articles from the Library Bulletins. Twenty-four selected bibliographies on labour and occupational health and safety topics were published in the Library Bulletins. Over 7,000 publications were borrowed, and the staff filled 3,492 requests for interlibrary loans.

There are, currently, approximately 21,000 records in the UTLAS automated cataloguing system database, 59,000 records in the MOLINDEX serials database, 376 records in the Ontario Human Rights Commission Decisions database and 7,446 records in the Ontario Labour Relations Board Decisions database. The MOLICAT database progressed through the design and format stages to the loading of UTLAS tapes in order to provide an in-house system with full BASIS search capabilities and, eventually, an online library catalogue. The ordering process was enhanced by the fuller utilization of the ACCORD online ordering module of the UTLAS system.

With the emphasis on a proactive reference service, Selective Dissemination of Information was introduced based on User Interest Profiles. To provide a more efficient interlibrary loan service, the staff used the ENVOY 100 electronic mail system. Three new online information retrieval systems were added to the seven systems already in place. Microcomputer technology was introduced for communications, downloading, database management, spreadsheet, interlibrary loan, mailing lists and other functions.

Quality of Working Life Centre

Dr. Hans van Beinum
Executive Director
N. Ignatieff
Program Manager

Since its establishment in December 1978, the Ontario Quality of Working Life Centre has made considerable progress towards the fulfillment of its mandate. The centre's mandate, to promote and support the enhancement of the quality of working life of people in Ontario, has been developed through three major areas of activity:

- the initiation, implementation, monitoring and evaluation of quality of working life projects in joint union-management settings;
- the education and training of individuals and organizations in quality of working life approaches;
- the creation, collection and dissemination of written information to promote a broad understanding of and interest in QWL.

The centre has translated these three activity areas into a program of field project work, education, information services, research and consultation. The primary thrust of the centre has been the development of quality of working life projects in Ontario, based on the principles of joint involvement and shared responsibility between labour and management. The centre recognizes that attempts to improve the quality of working life can succeed only if all parties can learn to work together in areas where joint benefit is possible.

The centre complement currently consists of an executive director, a program manager, five consulting positions, a program co-ordinator, three administrative support staff, and a number of external consultants who participate in the centre's educational events or field projects as demand requires.

1985/86 Activities

QWL Field Project Work – Consultation

During the fiscal year, the centre facilitated QWL field projects in 14 joint union-management work settings. These projects focus on involving workers in the decision-making process affecting their jobs, and examining, in this context, the decision-making structures and the design of jobs within the workplace. The centre is working within a range of different work settings in both the private and public sectors in such diverse settings as an electronics firm, a bakery, a government office and a regional facility for the developmentally handicapped.

Centre staff assist individuals and organizations, to increase their understanding of QWL, to assess its

relevance for their own situation and to take the first steps in the development of their own QWL program.

Education

Extensive education is seen as essential to the sustained development and diffusion of QWL within Ontario. Consequently, the centre has developed an education program to meet a wide range of needs.

The centre held two introductory and four 2½-day seminars.

In addition, over 20 educational events and workshops were tailor-made for field project participants over the course of the year.

Education events are frequently resourced by union and management representatives who have participated in a QWL project. Whether in making case presentations or in the capacity as panelists and speakers, their personal experiences have proven invaluable in explaining the QWL concept.

The Co-ordinator Network, initiated and facilitated by the centre, is a group of union and management internal resource people who meet regularly for shared learning and support. During fiscal 1985/86, the network members met three times.

Information Services

The centre provides the public with a wide range of information on QWL, ranging from basic introductory materials to highly specialized information in response to specific requests. The centre also publishes a news journal and occasional working papers and provides speakers to groups and organizations wanting to learn more about QWL.

Affirmative Action

Sheila Dann
Program Manager

The program manager is a full-time position reporting to the deputy minister. The mandate of the program is to promote equal employment opportunity in the ministry. The manager liaises closely with the Human Resources Branch and the Ontario Women's Directorate.

The program manager provides a resource to branch directors in implementing affirmative action and chairs a committee of branch representatives who relay affirmative action information to ministry employees.

As a member of the executive committee of the Affirmative Action Council, the program manager helps to guide the corporate Affirmative Action Program.

1985/86 Activities

At the start of the year the program planned a number of hire/promotion targets and developmental assignments for women of the ministry.

Hire/promotion targets refer to certain positions that:

1. are currently under-represented by women, that is, where women comprise less than 30 per cent of the class population; and
2. where there are enough qualified women in the potential applicant pool to compete for the positions.

The number of targets set by the ministry is based on the projected vacancies and the potential numbers of male and female applicants. For the past year, 17 targets were set and met for the following occupational classes: Administrative Module, Professional Module and Administrative Services Category. Out of the 17 targets met, two women were hired from outside the public service and the remainder were promoted from within the civil service.

Representation in all modules and categories experienced a decline due to a restrictive hiring freeze prohibiting internal and external recruitment.

Forty-eight women were provided with developmental assignments, over and above normal staff development activities. The three to six-month assignments were designed to qualify participants to compete for higher level or traditionally male occupations.

The program manager worked closely with the branch directors to enable them to meet their branch affirmative action commitments. In addition, regular reports were made to the deputy minister and semi-annual reports were prepared, presenting the statistics outlining the status of the ministry's female employees. Presentations were also made to the branch managers and to regional offices on the development of the program. Personal career counselling interviews were conducted and an inventory of all female employees was maintained for the purpose of effectively monitoring hirings and promotions.

Two two-day workshops, "Assertiveness Training" were presented to all interested women in the ministry to enable them to present themselves in a confident, assertive manner and to resolve conflicts diplomatically.

A series of "Executive Skills" seminars were attended by some senior women in the ministry. This program was designed to further develop managerial skills and to assist senior women to meet the challenges facing managers in government today.

A basic "Business Systems Information" course was offered to all women in the ministry. This 12-week course was presented by Humber College, and, on completion, the successful candidates were provided with a letter of exemption within Humber College Business Division Computer Studies Program.

A series of short seminars and workshops, e.g. "Time Management," was presented to all interested employees, including some regional offices.

"Lunch and Learn" noon-hour presentations were also organized by the Affirmative Action Committee for all employees, informing them of important social issues of special concern to women.

The Affirmative Action Program manager represented the Ministry of Labour on the Affirmative Action Council Regional Delivery Task Force. Women in the regional offices attended several seminars on résumé writing in order to help women prepare résumés and practise being interviewed.

Opportunities were provided for senior women to attend workshops co-ordinated by the Affirmative Action Program managers of the resources ministries.

Directions – The Affirmative Action quarterly newsletter was published to stimulate awareness of the Affirmative Action Program in the Ministry of Labour and to provide a forum for the discussion of events and issues of relevance to women.

As part of a three-phase pilot project to introduce women into the under-represented category of Occupational Health and Safety Inspector-2 in the Construction Health & Safety Branch, six female students were hired under the Summer Experience Program. These students were enrolled in construction-oriented courses and were provided with an orientation program, followed by accompanying an experienced inspector for a period of 14 weeks.

Legal Services

Julia Bass*
Director

Legal Services Branch:

- drafts legislation as requested and gives advice thereon and presents it to legislative counsel;
- gives legal advice to the Ministry of Labour on problems pertaining to the interpretation and application of acts and regulations;
- consults with the branches of the ministry on investigations into alleged breaches of the acts and regulations and considers the sufficiency of the evidence and conducts prosecutions;
- acts as counsel to the ministry in inquiries and hearings held by or for the ministry under the acts;
- acts as counsel to the Human Rights Commission;
- answers inquiries from the public regarding the application and scope of acts and regulations;
- attends inquests into fatalities occurring at workplaces, where required;
- generally, provides legal services as requested or required.

The staff of the Legal Services Branch is assigned by the Ministry of the Attorney General and is composed of a director, five lawyers, one lawyer – on contract – and support staff consisting of six secretaries. All personnel are located in Toronto.

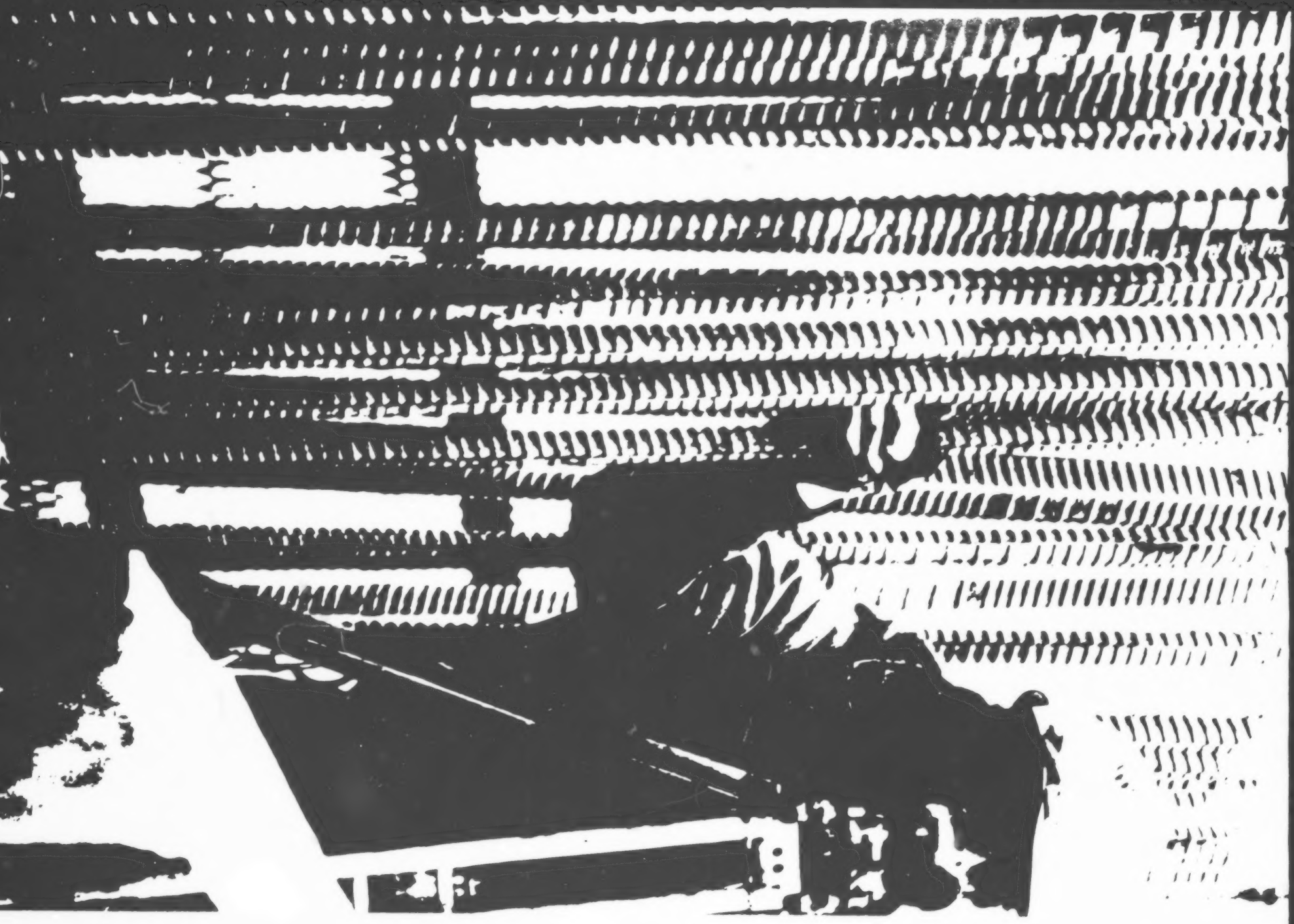
1985/86 Activities

Members of Legal Services Branch appeared as counsel for the ministry in approximately 114 applications for review of orders to pay and section 51 hearings under the Employment Standards Act. A total of 110 hearings were completed in the fiscal year.

Legal Services was requested to represent the Human Rights Commission at 34 boards of inquiry.

The Legal Services Branch received a total of 411 files under the Occupational Health and Safety Act. A total of 196 prosecutions was completed during the fiscal year.

*Julia Bass was appointed director on November 1, 1985.



Ontario Labour Relations Board

Judge R.S. Abella
Chairman
D.K. Aynsley
Registrar and Chief Administrative Officer

The Ontario Labour Relations Board is a quasi-judicial tribunal responsible for the administration of the Labour Relations Act. Under this Act, the board:

- certifies trade unions as collective bargaining agents for employees;
- appoints officers to mediate complaints of contraventions of the Act, conducts hearings into complaints that are not settled and grants remedial orders where it finds that the Act has been contravened;
- issues directions and declarations where unlawful strikes and lock-outs have occurred;
- settles jurisdictional disputes arising from the assignment of work;
- accredits employers' organizations and employer bargaining agencies in the construction industry;
- certifies employee bargaining agencies in the construction industry;
- conducts arbitration hearings arising from grievances under construction industry collective agreements;
- terminates bargaining rights, and
- provides opinions to the Minister of Labour relating to his authority to appoint conciliation officers or arbitrators.

Composition

The board is composed of a chairman, 10 full-time vice-chairmen (one, the alternate chairman), five full-time employer representatives and five full-time employee representatives. All are appointed by the lieutenant-governor in council. Under the Act, the jurisdiction and powers of the board may be exercised by a panel composed of the chairman or a vice-chairman, one employer representative and one employee representative, or in respect of certain matters, by the chairman, the alternate chairman or a vice-chairman sitting alone.

It is common for six and, with increasing frequency, seven or eight panels to be sitting simultaneously, sometimes in different parts of the province. While most cases are heard in Toronto, some types of cases or cases involving a substantial number of witnesses are heard at or near the municipality in which the workplace is located.

Board Reports

The board publishes a monthly report in two sections. The first section contains the full text of significant board decisions issued during the report month and an index of summaries on the subject matter of these decisions. The second section lists all of the cases disposed of by the board during the previous month by type of case and method of disposition and describes the bargaining units determined in certification cases.

Caseload

In fiscal year 1985/86, the board received a total of 3,236 applications and complaints. These included 1,025 applications for certification, 155 termination of bargaining rights applications, 855 complaints of contravention of the Act and 745 referrals of grievances under construction industry collection agreements.

In addition to the cases received, 930 cases were carried over from the previous year, for a total caseload of 4,166 in 1985/86. Of the total, 2,912 or 70 per cent were disposed of during the year. Proceedings in 238 were adjourned *sine die*** (i.e. without a fixed date for continuation) at the request of the parties to the matter. Finally, 1,016 were pending at various stages of processing at March 31, 1986.

The total number of cases processed during the year produced an average caseload of 320 cases for the board's full-time chairman and vice-chairmen. The total dispositions represented an average output of 224 cases.

Labour Relations Officer Activity

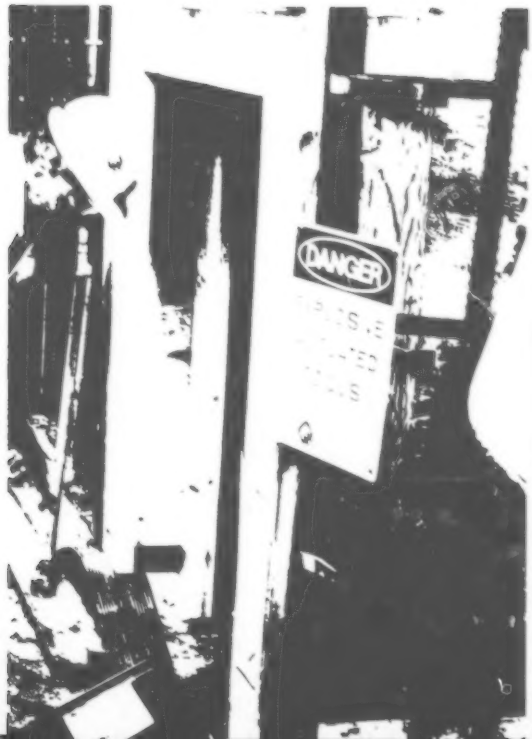
In 1985/86, the board's 17 labour relations officers were assigned a total of 2,263 cases to assist the parties in resolving their differences without the necessity of formal litigation before the board. These officer assignments comprised 54 per cent of the board's total caseload, including 664 certification applications, 39 cases concerning the status of individuals as employees under the Act, 780 complaints of contraventions of the Act, 737 referrals of grievances under construction industry collective agreements and 43 complaints under the Occupational Health and Safety Act.

The labour relations officers completed 1,887 of the assignments, obtaining settlements in 1,524 cases, or 81 per cent. Of the remaining cases assigned, 209 were referred to the board for decision, proceedings were adjourned *sine die* in 154 cases, and settlement efforts were continuing in 376 cases as of March 31, 1986.

Representation Votes

In 1985/86 the board's returning officers conducted a total of 223 representation votes among employees in one or more bargaining units. Of the 221 votes in which

**The board regards *sine die* cases as disposed of, although they are kept on docket for one year.



the ballots were counted, 181 involved certification applications, 37 were held in applications for termination of existing bargaining rights, and three were taken in successor employer applications.

Hearings

The board held a total of 1,306 hearings and continuations of hearings in 1,468 cases. Seventy-nine of the hearings were conducted by vice-chairmen sitting alone.

Details of the activities of the board and its staff will be found in the board's 1985/86 annual report.

Ontario Human Rights Commission

Borden C. Purcell
Chairman
George A. Brown
Executive Director

The Ontario Human Rights Commission, established in 1962, administers the Human Rights Code, 1981, which provides the right to equal treatment without discrimination with respect to services, goods and facilities, accommodation, employment, contracts, membership in trade unions, trade or occupational associations or self-governing professions on the grounds of race, colour, ancestry, place or origin, ethnic origin, citizenship, creed, sex, handicap, age (18-65 years in employment; 18 years and over in all other areas), marital status, family status, receipt of public assistance (in accommodation only) and record of offences (in employment only). In addition, every person has a right to freedom from harassment in accommodation and employment because of any of the prohibited grounds, including race and sex. The Code also provides a remedy for unwelcome sexual solicitations or advances made by a person in authority, and for threats of reprisal because an advance has been refused.

In addition, a right is infringed where a requirement, qualification or consideration is imposed that is not discrimination on a prohibited ground but that would result in the exclusion, qualification or preference of a group of persons who are protected under the Code.

Every person has a right to claim and enforce his or her rights under the Code, to institute and participate in proceedings under the Code and to refuse to infringe a right of another person under the Code, without reprisal or threat of reprisal for doing so.

The Code is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity, or that is likely to contribute to the elimination of the infringement of rights under the legislation. It is also a function of the commision to recommend special plans or programs.

The commission is composed of a chairman, vice-chairman, and 10 members who are appointed by the lieutenant-governor in council. The commission meets regularly to formulate policies on all issues with an impact on human rights in the province.

A quorum of three commissioners meets regularly as a panel to review and approve the settlements of all cases before they are closed.

When a settlement proposal is not in accordance with commission policy of rectification and remedy, the panel recommends that the commission refer the case to staff for further conciliation. Where a case reveals evidence of a discriminatory practice or pattern that suggests a

need for policy or procedural changes, the panel makes recommendations for follow-up action.

The panel also reviews requests for exemptions from the provisions of the Code.

Where the commission fails to effect a settlement of a complaint, and it appears to the commission that the procedure is appropriate and the evidence warrants an inquiry, the commission requests the minister to appoint a board of inquiry. The minister must appoint a board upon the commission's request. Where the commission decides, upon an evaluation of the evidence, to dismiss the complaint, it advises the complainant in writing of the decision and reasons for it, and informs the complainant of the procedure for having the decision reconsidered.

A complainant who requests reconsideration must include a statement of the facts upon which this request is based. The commission makes its decision after notifying the respondent and giving the respondent an opportunity to make written submissions concerning the request. The commission's decision on reconsideration is final and is communicated to both parties in writing.

The person who presides over the board of inquiry is appointed by the Minister of Labour. He or she is not a member or employee of the Ontario Human Rights Commission. The board hears testimony given under oath and makes a finding based on the evidence as to whether or not the Code has been contravened. If the finding is that there has been a contravention of the Code, the board may, by order, direct the respondent to do anything that ought to be done to achieve compliance with the Code, both in respect of the complaint and in respect of future practices, and to advance the public policy underlying the legislation. The board can also order compensation for loss to the complainant, and where the contravention has been engaged in wilfully or recklessly, may award up to $10,000 to the complainant for mental anguish. If the board finds that there has been no contravention, the case is dismissed.

If a board finds evidence of discrimination in a complaint based on handicap, and if the board determines that there has been a lack of access to premises or facilities or lack of appropriate amenities in these respects, it may make a finding as to whether the equipment or essential duties could be adapted to meet the needs of the person whose right is infringed. If this is the case, the board may order the respondent to take measures to provide access or amenities unless the costs involved would cause undue hardship.

Where a complaint is dismissed, the board may order the commission to pay the respondent's costs if the board finds that the complaint was trivial, frivolous, vexatious or made in bad faith or if undue hardship was caused to the respondent in the particular circumstances.

The decision of the board must be rendered within 30 days after the conclusion of the hearing.

The decision or order of the board may be appealed to the Divisional Court of the Supreme Court of Ontario.

In fiscal year 1985/86, 24 such boards were appointed and 15 hearings completed. In six of these boards, settlements were reached prior to the start of the hearing.

The commission reviews requests for special programs and conducts public education activities among business and industry, media, unions, government, educational institutions, law enforcement and criminal justice agencies, and social services and health care institutions.

Under the Code, the commission conducts the following programs:

Conciliation and Compliance, through the investigation and resolution of complaints filed under the provisions of the Code. During the year, 1,356 formal complaints were registered with the Conciliation and Compliance Division and 1,129 cases were resolved; 86 informal resolutions and 60,392 inquiries and referrals were handled.

The *Race Relations Division* of the commission consists of three members of the commission, designated by the lieutenant-governor in council. One of the members is designated commissioner for race relations.

Under Section 27 of the Code, it is the function of the Race Relations Division to perform any of the functions of the commission as related to race, ancestry, place of origin, ethnic origin or creed, that are referred to it by the commission and other functions referred to it by the commission. These functions as set out in section 28 of the Code are to:

- enquire into incidents of and conditions leading or tending to lead to tension or conflict based upon identification by a prohibited ground of discrimination and take appropriate action to eliminate the source of tension or conflict;

- initiate investigations into problems based upon identification by a prohibited ground of discrimination that may arise in a community, and encourage and co-ordinate plans, programs and activities to reduce or prevent such problems, and

- promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination.

The Race Relations Division carried out 266 mediations and projects and 933 consultations during the year.

Public Education activities are designed and undertaken to forward the principle that the dignity and worth of every person be recognized, and that equal rights and opportunities be provided without discrimination that is contrary to the Code. The number of educational undertakings carried out under the Public Education Program totalled 1,163.

Research activities are designed, undertaken and encouraged in order to eliminate discriminatory practices that infringe rights under the Code.

The commission has 15 district offices, located in Hamilton, Kenora, Kingston, Kitchener, London, Ottawa, Sault Ste. Marie, Sudbury, Thunder Bay, Windsor, Timmins, St. Catharines, Mississauga, Scarborough and Toronto.

The work of the commission is carried out by 83 professional and 29 support staff.

Details of the role and programs of the Ontario Human Rights Commission will be found in the commission's 1985/86 annual report.

Advisory Council on Occupational Health and Occupational Safety

Dr. D.R. McCalla
Chairman
Dr. C.J. Tuohy
Vice-Chairman

The Advisory Council on Occupational Health and Occupational Safety currently consists of 19 members – a chairman, a vice-chairman, six members selected from management, seven from labour and, including the chairman and vice-chairman, six from the public.

Under section 10 of the Occupational Health and Safety Act the functions and powers of the advisory council are to:

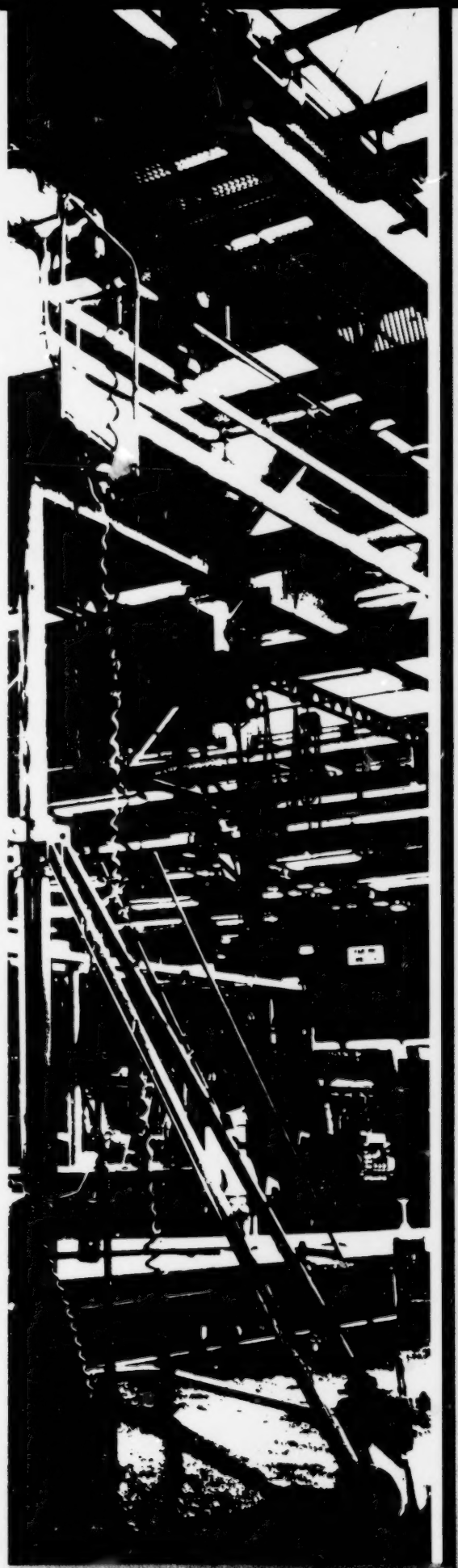
- make recommendations to the Minister of Labour relating to programs of the ministry in occupational health and safety, and
- advise the minister on matters relating to occupational health and occupational safety that may be brought to its attention or be referred to it.

During the year the advisory council submitted five advisory memoranda to the minister. The advisory memoranda are:

- A report "Criteria and Alternative Approaches for the Control of Hazardous Substances and Agents in the Workplace: Part I – Identification of Criteria".
- A report "Classification of Health Surveillance, Health Screening and Biological Monitoring Procedures in Workplace Biomedical Surveillance Programs".
- A review by the Advisory Council of the Process Used to Develop a Standard for Asbestos on Construction Projects and in Buildings and Repair Operations, and Related Codes.
- A report "Workplace Control Programs".
- A Review by the Advisory Council of the Process Used to Develop a Standard for Arsenic and Council's Evaluation of the Criteria Utilized to Assess the Hazard of Arsenic Exposure in the Workplace.

In October 1985, as a forerunner to determining whether or not there is need for specific action regarding biotechnology and a role for council in providing advice on the establishment of policies and procedures, council held a workshop on biotechnology. The proceedings of the workshop were subsequently forwarded to the minister.

A major survey of joint health and safety committees



in Ontario was carried out under the auspices of council and completed during the 1985/86 fiscal year. The consultant's report to council on the survey has been transmitted to the minister, and council is currently undertaking its own review of the survey findings.

The proceedings of the workshop on biotechnology and details of council's advisory memoranda and recommendations, along with the minister's responses and related correspondence, are included in Volume I of the advisory council's Eighth Annual Report. The consultant's report on the survey of joint health and safety committees is reproduced in Volume II of the Eighth Annual Report.

Other council deliberations and activities involving correspondence with the minister concerned: a proposal to adopt a list of exposure values as criteria or guides; proposed 'right-to-know' legislation; and council's earlier advisory memoranda relating to: New Chemical and Biological Agents in the Workplace – Identification and Control of Carcinogens and Potential Carcinogens; Reproductive Hazards in the Workplace; and Literacy and Occupational Health and Safety.

The council secretariat currently consists of an executive assistant to the chairman, two research officers, a project officer serving on a part-time basis, an administrative assistant and two secretarial staff.

Public Service Appeal Boards

The four statutory tribunals comprising the Public Service Appeal Boards function as independent quasi-judicial tribunals, with offices and hearing rooms at 180 Dundas Street West in Toronto. The four tribunals oversee the labour relations of Ontario Crown employees. Employees are represented before the boards by one of four employee organizations: the Ontario Public Service Employees Union, the Ontario Liquor Board Employees' Union, the Canadian Union of Public Employees – Local 767, the Canadian Union of Public Employees – Local 1750, and the Amalgamated Transit Union – Local 1587.

Administrative and clerical support to the Appeal Boards is provided by a permanent staff consisting of one secretary of the Public Service Appeal Boards, one manager of Office Support Services, one office support clerk, one records processing and control clerk and one file clerk.

Ontario Public Service Labour Relations Tribunal

O.B. Shime, Q.C.
Chairman
(Vacant as of March 13, 1986)
T.A. Inniss
Registrar

The Ontario Public Service Labour Relations Tribunal administers the Crown Employees Collective Bargaining Act, and is empowered by the Act to adjudicate matters referred to it by government employers, employee organizations or employees on matters such as:

- conferring representation rights on employee organizations;
- terminating employee organization representation rights;
- unfair labour practices;
- bad faith bargaining;
- successor rights applications;
- alleged strikes and lock-outs;
- consent to prosecute under the Act;
- inclusions and exclusions of employees in bargaining units;
- exemptions from the payment of union dues by individual employees; and
- the duty of fair representation owed by employee organizations to individual employees.

The tribunal frequently appoints investigators to inquire into those matters and assist the parties in attempting to reach a settlement of their dispute before it goes to the tribunal for hearing.

Decisions of the tribunal are final, although the Act empowers the tribunal to reconsider a decision if it deems it advisable to do so. Tribunal decisions can be challenged by way of judicial review on the grounds that the procedure employed violated the rules of natural justice or that the decision was patently unreasonable. The tribunal has the authority to state a case in writing to the Divisional Court to determine any question of law. While the tribunal has the choice of whether or not to state a case on its own motion, it is required to submit a stated case to the Court upon the request of any party to a hearing.

In addition to adjudicating disputes, the tribunal is involved in providing other dispute resolution mechanisms. Mediators are appointed by the tribunal to assist parties in reaching a collective agreement. The

tribunal also appoints interest arbitrators to determine the provisions of collective agreements when the parties are unable to do so by mutual agreement and where they have failed to select an arbitrator themselves.

The tribunal consists of one chairman, one vice-chairman and eight members who serve in a part-time capacity. The chairman, vice-chairman and members are appointed by order-in-council. Members are appointed following nominations received from the respective parties, and the chairman and vice-chairman are appointed following consideration of the views of the parties. The tribunal sits in panels of three, consisting of one member representing employees, one member representing employers, and the chairman, or vice-chairman, who presides.

Applications in Fiscal Year 1985/86

Filed Before March 31/85 and Pending	Filed in Year	Appointments	Disposition
25	40	Investigator 21	Pending Before Investigator 2
		Mediator 1	
		Arbitrator 10	Pending Before Arbitrator 0
			Decisions Issued/ Arbitrator 12
			Decisions Issued/ Tribunal 32
			Pending Before Tribunal 42
			Awaiting Initial Hearing 28
			Pending Before Tribunal In Hearing Stage 14
			Pending Decision 1
			Pending Stated Case To Divisional Court 1

Crown Employees Grievance Settlement Board

O.B. Shime, Q.C.
Chairman
(As of March 14, 1986)
T.A. Inniss
Registrar

The Crown Employees Grievance Settlement Board, established by section 20(1) of the Crown Employees Collective Bargaining Act, is solely responsible for the adjudication of employee organization and employer rights disputes involving matters such as dismissals, suspensions, other forms of discipline, working conditions and classification. Employee organization and employer policy grievances may require the board to interpret the provisions contained in collective agreements. The only means of challenging a board decision is by way of judicial review to the courts, and only on the grounds of excess of jurisdiction, errors of law and questions relating to natural justice.

In addition to adjudicating disputes, mediation services are provided by the board to assist the parties in reaching a settlement of their dispute without resorting to actual board adjudication.

The board consists of one chairman, 15 vice-chairmen and 62 members. The chairman, vice-chairmen and members, who serve in a part-time capacity, are appointed by order-in-council. Members are appointed following nominations received from the respective parties and the chairman and vice-chairmen are appointed following consideration of the views of the parties. The board sits in panels of three, consisting of one member representing employees, one member representing employers, and the chairman or vice-chairman, who presides.

Public Service Grievance Board

C. Gordon Simmons
Chairman
T.A. Inniss
Secretary

The Public Service Grievance Board operates pursuant to the Public Service Act and, in particular, Part 5 of Regulation 881. The Board adjudicates grievances concerning non-bargaining unit employees and may be called upon to deal with matters such as dismissal, suspension, other forms of discipline, merit increase, promotion and transfer. Decisions of the board are final, although dismissals are subject to the authority of the lieutenant-governor in council. Decisions are also subject to judicial review as with the Grievance Settlement Board.

The board consists of a chairman and four members representing non-bargaining unit employees and employers. The chairman and members are appointed by order-in-council. There must be no fewer than three members on the board, but it may hear and dispose of grievances in panels of two.

Public Service Grievance Board and Classification Rating Committees

Grievances in Fiscal Year 1985/86

	Filed Before March 31/85 and Pending	Filed in Year	Withdrawn or Settled	Cases Pending in Hearing Stage	Decisions Issued	Cases Pending as of March 31/86
PSGB	9	15	7	8	2	15
CRC	2	6	0	1	3	5

Classification Rating Committees

C. Gordon Simmons
Chairman
T.A. Inniss
Secretary

Classification Rating Committees are designated by the chairman of the Civil Service Commission. Pursuant to section 57 of Regulation 881 under the Public Service Act, Classification Rating Committees are appointed to adjudicate grievances concerning position classification from eligible employees who are excluded from the application of the Crown Employees Collective Bargaining Act. The committees are therefore essentially responsible for classification grievances filed by persons employed in a managerial or confidential capacity. Such committees are quasi-judicial tribunals, and sit with one personnel administrator from a non-interested ministry and two persons who are not civil servants. One of the latter two act as chairman of the committees. Currently, the committees are drawn from a chairman and three available members.

1985/86 Activities

A total of 1,731 applications were filed with the four Public Service Appeal Boards in the fiscal year 1985/86. The bulk of these applications – 1,670 or 96.5 per cent – were submitted to the Grievance Settlement Board. Forty applications – 2.3 per cent of all applications went to the Public Service Labour Relations Tribunal. The remaining applications were filed with the Public Service Grievance Board and the Classification Rating Committees.

The Public Service Labour Relations Tribunal issued 64 decisions in the fiscal year. Of these, 32 (50 per cent) involved tribunal adjudication of disputed matters between parties. Twenty-one decisions (32.8 per cent) involved the appointment of an investigator to inquire into complaints filed with the tribunal. In 10 cases (15.6 per cent), the tribunal appointed interest arbitrators with a view to determining collective bargaining disputes. In one case (1.6 per cent), the tribunal appointed mediators with a view of assisting in collective bargaining disputes.

Of the 1,670 grievances filed with the Grievance Settlement Board in 1985/86, 83 (five per cent) pertained to employee dismissal. Three hundred and eighty-eight grievances (23.2 per cent) related to disagreements over employee classification. One thousand, one hundred and forty-five (68.6 per cent) were in relation to other numerous matters arising under the applicable collective agreements and involving employee concerns. Fifty-four grievances (3.2 per cent) were of a policy nature, in which an employee organization – as opposed to an individual employee – grieved a collective agreement violation.

The Grievance Settlement Board disposed of 793 grievances in 1985/86. Of these 793 dispositions, 167 (21 per cent) were dealt with by the board through a full hearing in which the matters in dispute were adjudicated, and a final decision was issued. The remaining 626 grievances were settled or withdrawn prior to an actual board decision. One hundred and sixty (20.2 per cent) of all grievances withdrawn or settled in 1985/86 were settled with the assistance of the board's mediator. Four hundred and sixty-six grievances (59 per cent) of all grievances withdrawn or settled in 1985/86 were settled by the parties themselves.

The Public Service Grievance Board disposed of nine applications in the fiscal year. Out of these applications, seven (77.8 per cent) were withdrawn or settled, and two (22.2 per cent) were adjudicated by the board.

Three decisions were issued by the Classification Rating Committees in 1985/86. Five applications were pending before the committees in the fiscal year.

Grievances in Fiscal Year 1985/86

Filed Before March 31/85 and Pending	Filed in Year					Withdrawn		Decisions Issued	Cases Pending as of March 31/86
	Dismissal	Classification	Policy	Other	TOTAL	Without settlement by Mediator	With Settlement by Mediator		
1,347	83	388	54	1,145	1,670	466	160	167	2,224

Workers' Compensation Board

Robert G. Elgie, M.D., Q.C.
Chairman

The Workers' Compensation Board of Ontario, which operates out of 14 offices province-wide, including a Toronto head office, provides the province with three fundamental services: first, adjudicating claims for work-related injuries and occupational diseases and compensating workers for the resulting time lost from work and for permanent disability; second, furnishing injured workers with comprehensive health care and vocational rehabilitation services to help them return to a healthy life and gainful employment; and third, paying for these services through the collection of funds from the province's employers.

In 1985, new claims across the province totalled 426,880. Of total claims, 44.2 per cent (188,461) were accepted as lost-time claims (involving time off work and compensation payments). Another 48.5 per cent (207,104) of claims were accepted as no lost-time claims (for accidents that necessitated health care treatment, but no time off work beyond the day of the accident).

During the year, the board awarded total benefits (exclusive of provision for increase) amounting to $1,097,205,000. The vast majority of funds for the board's programs and services come from annual assessments on the province's employers – in 1985, numbering approximately 178,000. In 1985, assessment income collected by the board rose to $1,301,121,000.

Board rehabilitation staff throughout Ontario were instrumental in rehabilitating 5,581 injured workers in 1985. Of these, 4,874 were returned to work and an additional 707, who will not be returning to employment, were assisted in achieving financial self-sufficiency.

Bill 101, an Act to Amend the Workers' Compensation Act, which received royal assent on December 14, 1984, came into effect in 1985, bringing with it sweeping changes to benefits for injured workers and their families and to the administrative structure of the Workers' Compensation Board. Bill 32 increased survivors' benefits to families of workers who died on or before June 30, 1985. Bill 81, which was passed in

December 1985, brings annual indexing to bear on average earnings, effective January 1, 1986.

Among other important administrative changes, effective October 1, 1985, overall direction of the board became the responsibility of a new and expanded board of directors, consisting of a full-time chairman and vice-chairman, nine external part-time directors and an ex-officio member. The final level of appeal of a board decision is now in the hands of an independent and external tripartite tribunal know as the Workers' Compensation Appeals Tribunal. A new and independent Industrial Disease Standards Panel was established to provide research and advice to the board on industrial diseases.

Further details of the board's activities in 1985 can be found in its 1985 annual report, which covers the fiscal year ending December 31, 1985.

Workers' Compensation Appeals Tribunal

S.R. Ellis
Chairman

Inception of the Appeals Tribunal

The Workers' Compensation Appeals Tribunal is the new, final level of appeal to which workers and employers may bring disputes concerning Workers' Compensation Board (WCB) matters. It came into existence on October 1, 1985. Constituted under s.86(a) of the Workers' Compensation Act, the appeals tribunal replaces the former WCB Appeal Board. It is a separate organization, independent of the WCB.

Function

The appeals tribunal decides worker or employer appeals from any decision or ruling of the WCB regarding entitlement to benefits, health care and vocational rehabilitation. It also decides employer appeals from WCB decisions on assessments, penalties or transfers of costs. In addition to hearing appeals, the appeals tribunal also decides if a person has the right to sue in court instead of making a compensation claim, and decides, as well, disputes over employers' access to workers' files and workers' objections to undergoing medical examinations requested by employers.

Composition

The appeals tribunal is a tripartite tribunal. It is composed of a neutral chairman, S.R. Ellis, a number of neutral vice-chairmen, and members "representative of employers and workers", all of whom are appointed by the lieutenant-governor in council. Both full- and part-time vice-chairmen and members have been appointed.

Each appeal is heard by a panel of the appeals tribunal called a "hearing panel." A hearing panel is made up of three people – a tribunal member representative of workers, a tribunal member representative of employers and a panel chairman.

The chairman of the appeals tribunal, who sits as an ex-officio, non-voting member of the WCB board of directors, is the tribunal's chief executive officer and is given, by statute, direct powers over the affairs of the

tribunal, including the establishment of job classifications, the employment of tribunal staff, presiding at all meetings of the tribunal and establishing the panels of the tribunal. To assist the chairman in his duties, an alternative chairman, Jim Thomas, has been designated.

The organizational structure includes a Tribunal Counsel Office, established to assist the tribunal in its hearings; the Administrative Department, which organizes and schedules hearings, processes and controls files and administers the tribunal's work; and a Department of Research and Publications, which provides library and research services and publishes tribunal decisions and other materials.

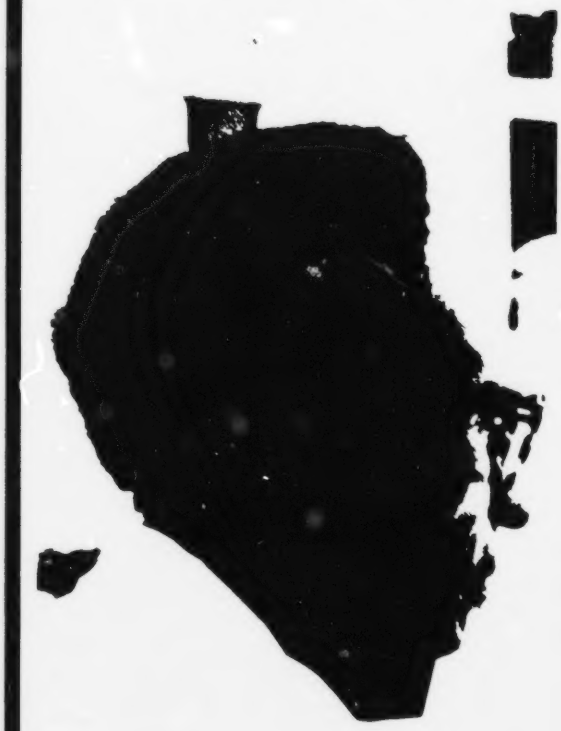
1985/86 Activities

During the first six months of its existence, the appeals tribunal has been involved in developing a suitable adjudication process and organizational structure, locating suitable premises, recruiting, organizing and training appropriate professional and support staff, co-ordinating the appointment and training of full-time and part-time tribunal vice-chairmen and members, hearing appeals and writing and publishing comprehensive reasons for its decisions.

The tribunal held its first hearing in late November 1985 and rendered its first decision in December 1985. Tribunal hearings are now being held in Toronto and in regional centres across the province. Of particular interest is the "leading case strategy" in respect of permanent disability pension appeals. The tribunal concluded early that it could not hear and decide individual cases involving pension assessments without making a series of seminal decisions on a number of very difficult issues. By Practice Direction No. 1, issued in December 1985, the tribunal initiated a leading case strategy involving the selection of one case and the participation of various workers and employer organizations as interveners.

Hearings on the pension assessment appeals leading case were scheduled to be held in June 1986. The selected case involved a lower back injury suffered by a construction labourer in a fall from a collapsing brick wall. A permanent pension was awarded by the WCB for the back injury, and the worker appealed the level of pension.

Details of the tribunal's activities in its formative months will be found in its 1985/86 annual report, covering the six-month period from October 1, 1985 to March 31, 1986.



Industrial Disease Standards Panel

Dr. James M. Ham
Chairman

The Industrial Disease Standards Panel was brought into existence in the fall of 1985, and the appointment of Dr. James M. Ham as its first chairman was announced in the legislature by the Honourable William Wrye, Minister of Labour, on December 6, 1985.

The functions of the panel are to:

- investigate possible industrial disease;
- make findings as to whether a probable connection exists between a disease and an industrial process, trade or occupation in Ontario;
- create, develop and revise criteria for the evaluation of claims respecting industrial diseases; and
- advise on eligibility rules regarding compensation for claims respecting industrial diseases.

The panel reports its findings to the Workers' Compensation Board.

Dr. Ham has spent the initial period of time meeting with senior members of business, labour and government in Ontario and across the country to exchange views concerning the appropriate strategy for carrying out the panel's legislative mandate.

The panel is empowered through section 86p of the Workers' Compensation Act.

On March 31, 1986 the Industrial Disease Standards Panel consisted only of the chairman. Further appointments to the panel were pending. No support staff had as yet been employed.